



Universal
Periodic
Review
of the
United
States *of*
America

National Report
Submitted to the
Office of the UN High
Commissioner for
Human Rights

August 2010

**Report of the United States of America
Submitted to the Office of the
UN High Commissioner for Human Rights
for the Universal Periodic Review**

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About this Report

The Universal Periodic Review (UPR) was established by the UN General Assembly in 2006 as a process through which the human rights records of each of the United Nations' 192 Member States could be reviewed and assessed. This review, conducted under the auspices of the UN Human Rights Council (HRC), is based upon human rights obligations and commitments expressed in the UN Charter, the Universal Declaration of Human Rights, human rights instruments to which the State is party, and elsewhere. The UPR process provides a unique avenue for the global community to discuss human rights around the world.

Individual countries are slated for review every four years. UPR sessions take place at the HRC in Geneva, and are framed by reports submitted by national governments.

This document contains the text of the first UPR report submitted by the United States. It was submitted to the Office of the UN High Commissioner for Human Rights in August 2010 and will be presented to the United Nations Human Rights Council in Geneva for an interactive dialogue on November 5, 2010.

The White House and over a dozen other government departments and agencies provided support and assistance in the preparation of the report. They included the Departments of State, Justice, Defense, Homeland Security, Interior, Labor, Housing and Urban Development, Education, Agriculture (including the U.S. Forest Service), Treasury, and Health and Human Services, the Environmental Protection Agency and the Equal Employment Opportunity Commission.

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I. Introduction

I.1 A more perfect union, a more perfect world

The story of the United States of America is one guided by universal values shared the world over—that all are created equal and endowed with inalienable rights. In the United States, these values have grounded our institutions and motivated the determination of our citizens to come ever closer to realizing these ideals. Our Founders, who proclaimed their ambition “to form a more perfect Union,” bequeathed to us not a static condition but a perpetual aspiration and mission.

We present our first Universal Periodic Review (UPR) report in the context of our commitment to help to build a world in which universal rights give strength and direction to the nations, partnerships, and institutions that can usher us toward a more perfect world, a world characterized by, as President Obama has said, “a just peace based on the inherent rights and dignity of every individual.”

The U.S. has long been a cornerstone of the global economy and the global order. However, the most enduring contribution of the United States has been as a political experiment. The principles that all are created equal and endowed with inalienable rights were translated into promises and, with time, encoded into law. These simple but powerful principles have been the foundation upon which we have built the institutions of a modern state that is accountable to its citizens and whose laws are both legitimated by and limited by an enduring commitment to respect the rights of individuals. It is our political system that enables our economy and undergirds

Our democracy is what allows us to acknowledge the realities of the world we live in, to recognize the opportunities to progress toward the fulfillment of an ideal, and to look to the future with pride and hope.

our global influence. As President Obama wrote in the preface to the recently published National Security Strategy, “democracy does not merely represent our better angels, it stands in opposition to aggression and injustice, and our support for universal rights is both fundamental to American leadership and a source of our strength in the world.” Part of that strength derives from our democracy’s capacity to adopt improvements based upon the firm foundation of our principled commitments. Our democracy is what allows us to acknowledge the realities of the world we live in, to recognize the opportunities to progress toward the fulfillment of an ideal, and to look to the future with pride and hope.

The ideas that informed and inform the American experiment can be found all over the world, and the people who have built it over centuries have come from every continent. The American experiment is a human experiment; the values on which it is based, including a commitment to human rights, are clearly engrained in our own national conscience, but they are also universal.

Echoing Eleanor Roosevelt, whose leadership was crucial to the adoption of the Universal Declaration of Human Rights (UDHR), Secretary of State Hillary Clinton has reaffirmed that “[h]uman rights are universal, but their experience is local. This is why we are committed to holding everyone to the same standard, including our-

selves.” From the UDHR to the ensuing Covenants and beyond, the United States has played a central role in the internationalization of human rights law and institutions. We associate ourselves with the many countries on all continents that are sincerely committed to advancing human rights, and we hope this UPR process will help us to strengthen our own system of human rights protections and encourage others to strengthen their commitments to human rights.

1.2 The United States and the Universal Periodic Review: approach and methodology

The ultimate objective of the UPR process, and of the UN Human Rights Council, is to enhance the protections for and enjoyment of human rights. Our participation signifies our commitment to that end, and we hope to contribute to it by sharing how we have made and will continue to make progress toward it. Some may say that by participating we acknowledge commonality with states that systematically abuse



Eleanor Roosevelt’s leadership was crucial to the adoption of the Universal Declaration of Human Rights. (Photo: Franklin D. Roosevelt Presidential Library)

human rights. We do not. There is no comparison between American democracy and repressive regimes. Others will say that our participation, and our assessment of certain areas where we seek continued progress, reflects doubt in the ability of the American political system to deliver progress for its citizens. It does not. As Secretary Clinton said in a speech on human rights last year, “Democracies demonstrate their greatness not by insisting they are perfect, but by using their institutions and their principles to make themselves...more perfect.” Progress is our goal, and our expectation thereof is justified by the proven ability of our system of government to deliver the progress our people demand and deserve.

This document gives a partial snapshot of the current human rights situation in the United States, including some of the areas where problems persist in our society. In addressing those areas, we use this report to explore opportunities to make further progress and also to share some of our recent progress. For us, the primary value of this report is not as a diagnosis, but rather as a roadmap for our ongoing work within our democratic system to achieve lasting change. We submit this report with confidence that the legacy of our past efforts to embrace and actualize universal rights foreshadows our continued success.

This report is the product of collaboration between the U.S. Government and representatives of civil society from across the United States. Over the last year, senior representatives from more than a dozen federal departments and agencies traveled the country to attend a series of UPR consultations hosted by a wide range of civil society organizations. At these gatherings, individuals presented their concerns and recommendations and often shared stories or reports as they interacted with government representatives. Those conversations shaped the substance

and structure of this report. Nearly a thousand people, representing a diversity of communities and viewpoints, and voicing a wide range of concerns, attended these gatherings in New Orleans, Louisiana; New York, New York; El Paso, Texas; Albuquerque, New Mexico; Window Rock, Arizona; the San Francisco Bay Area; Detroit, Michigan; Chicago, Illinois; Birmingham, Alabama; and Washington, D.C. Information about the process was also posted on the website of the U.S. Department of State (www.state.gov/g/drl/upr). Members of the public were encouraged to contribute questions, comments, and recommendations via that site, and many did so. The consultation process followed a familiar tradition of collaboration and discussion between government and civil society that is vital to the strength of our democracy. The U.S. Government is grateful to all those who hosted meetings and shared their views both in those consultations and online. We also welcome constructive comments and recommendations from other governments and non-governmental organizations through the UPR process.

II. The United States and human rights: normative and institutional background

II.1 Human Rights as the ends of government and the means of progress

The desire to live freely under a government that would respect and protect human rights was the fundamental motivation of our country's Founders—human rights have not only been part of the United States since the beginning, they were the reason our nation was created. From its adoption in 1789, the U.S. Constitution has been the central legal instrument of government and the supreme law of the land. The Constitution establishes the structure of government in the United States, starting with the fundamental principle that the will of the people is the basis of the legitimacy of government. The Constitu-



tion's first ten amendments, adopted in 1791 and known as the Bill of Rights, along with the Thirteenth, Fourteenth, and Fifteenth Amendments, adopted in the wake of the Civil War, protect many rights that, in the twentieth century, became recognized and protected under international human rights law. The principles enshrined in the Constitution and the system of government that it prescribes—including the checks and balances between the legislative, executive, and judicial branches, as well as the reservation of significant authority and autonomy for the fifty states joined together in a federal system—have been the basic building blocks of a government of the people, by the people, and for the people throughout U.S. history.

Since our founding, we have made tremendous progress in strengthening the protection of rights and in enhancing and expanding equal opportunities for their enjoyment. Just as the legitimacy of our government is grounded in the will of the people, the credit for progress accrues not only to our Constitution and the government it created, but also to the determination and commitment of our people. Throughout our history, our citizens have used the freedoms provided in the Constitution as a foundation upon which to advocate for changes that would create a more just society. The Constitution provided the means for its own amelioration and revision: its glaring original flaw of tolerating slavery, as well as denying the vote to women, have both been corrected through constitutional reform, judicial review and our democratic processes. Human rights—including the freedoms of speech, association, and religion—have empowered our people to be the engine of our progress.

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II.2 Enduring commitments

As we look to the future, the United States stands committed to the enduring promises of protecting individual freedoms, fairness and equality before the law, and human dignity—promises that reflect the inalienable rights of each person. Our commitment to the rights protected in our Constitution is matched by a parallel commitment to foster a society characterized by shared prosperity. Finally, we are committed to the idea that the values behind the domestic promises articulated in our Constitution should also guide and inform our engagement with the world. Below, we address these commitments in turn.

III. A commitment to freedom, equality and dignity

Article 1 of the Universal Declaration of Human Rights declares that “all human beings are born free and equal in dignity and rights” and that they are “endowed with reason and conscience.” This basic truth suggests the kinds of obligations—both positive and negative—that governments have with regard to their citizens.

People should be free and should have a say in how they are governed. Governments have an obligation not to restrict fundamental freedoms unjustifiably, and governments need to create the laws and institutions that secure those freedoms.

People should enjoy fair treatment reflected in due process and equality before the law. Governments have an obligation not to discriminate or persecute and should establish mechanisms for protection and redress.

People should be treated with dignity. Governments have an obligation to protect the security of the person and to respect human dignity.

These obligations are what enable people to claim “life, liberty, and the pursuit of happiness” as their just entitlements. These same rights are encoded in international human rights law and in our own Constitution.

III.1 Freedom of expression, religion, association, and political participation

Freedom of expression

The United States maintains robust protections for freedom of expression. As a general matter, the government does not punish or penalize those who peacefully express their views in the public sphere, even when those views are critical of the government. Indeed, dissent is a valuable and valued part of our politics: democracy provides a marketplace for ideas, and in order to function as such, new ideas must be permitted, even if they are unpopular or potentially offensive. The United States has a free, thriving, and diverse independent press—a feature that existed before the advent of electronic and digital media and that continues today.

We also recognize that privacy is linked to free expression, in that individuals need to feel that they can control the boundaries of their self-disclosure and self-expression in order to be able to express themselves freely: surveillance, especially when practiced by a government, can lead to self-censorship. Although protecting the security of all citizens means that no individual can have an absolute right to privacy or expression, any limitations on these rights are determined in a public process, by representatives of the people in the legislature and by the courts.

Freedom of thought, conscience, and religion

The desire for freedom from religious persecution has brought millions to our shores. Today, freedom of religion protects each individual’s ability to participate in and share the traditions

of his or her chosen faith, to change his or her religion, or to choose not to believe or participate in religious practice.

Citizens continue to avail themselves of freedom of religion protections in the Constitution and in state and federal law. For example, in a case this year, a Native American primary school student's right to wear his hair in a braid, in accordance with his family's religious beliefs, was upheld pursuant to a Texas religious freedom law.¹

The constitutional prohibition on the establishment of a religion by the government, along with robust protections for freedom of speech and association, have helped to create a multi-religious society in which the freedom to choose and practice one's faith, or to have no faith at all, is secure.

Freedom of association

In the United States, our vibrant civil society exists because people freely come together to meet and share interests and to advocate for political and other causes. In some cases, this takes the form of public gatherings, marches, or protests. In others, people establish or join organizations with a sustained purpose or agenda—today, there are more than 1.5 million non-profit organizations in the United States.

Freedom of association also protects workers and their right to organize. The labor movement in the United States has a rich history, and the right to organize and bargain collectively under the protection of the law is the bedrock upon which workers are able to form or join a labor union. Workers regularly use legal mechanisms to address complaints such as threats, discharges, interrogations, surveillance, and wages-and-benefits cuts for supporting a union. These legal regimes

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are continuously assessed and evolving in order to keep pace with a modern work environment. Our UPR consultations included workers from a variety of sectors, including domestic workers who spoke about the challenges they face in organizing effectively. Currently there are several bills in our Congress that seek to strengthen workers' rights—ensuring that workers can continue to associate freely, organize, and practice collective bargaining as the U.S. economy continues to change.

Freedom of political participation

Every person should have a say in how he or she is governed, and representative democracy has always been the essential foundation of our country's political system. When the United States was founded, only white men who owned property could vote. In the subsequent centuries, barriers fell for women, African Americans, Hispanics, Asian Americans, and Native Americans, and we continue to work to ensure universal enfranchisement in both law and fact.

After decades of work by women's rights groups and others, women obtained a constitutionally protected right to vote in 1920. Real protection of the right to vote for racial and ethnic minorities came many decades later with the enactment

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of the Voting Rights Act of 1965, a watershed moment in the fight for fairness in our election system. Nearly a century earlier, in the wake of the Civil War, the Fifteenth Amendment to the Constitution had granted the right to vote to African-American men, although in practice that right continued to be obstructed and denied. Since the Voting Rights Act's passage, the United States has made substantial progress in breaking down racial barriers to voting, resulting in greater participation in elections and significant increases in the election of members of diverse racial and ethnic groups to public office.

The Voting Rights Act prohibits racial discrimination in voting, allowing the Department of Justice or a private citizen to challenge a voting practice as discriminatory in federal court. Under the Act, certain jurisdictions with histories of racial discrimination in voting require federal approval to implement any change affecting voting. The Act also ensures meaningful access to the franchise for non-English speaking citizens. In recent months, the Department of Justice has worked to strengthen enforcement of federal voting rights laws. The Department recently obtained consent decrees against some jurisdictions and concluded a settlement with another, and it is preparing to review thousands of redistricting plans that will be submitted after release of the 2010 Census results to ensure that voting districts are not

drawn with the purpose or effect of marginalizing minority voters.

Other laws, such as the National Voter Registration Act of 1993 and the Help America Vote Act of 2002, help increase historically low registration rates of minorities and persons with disabilities that have resulted from discrimination, and protect the equal rights of all by facilitating complete and accurate voter rolls.

Several Members of Congress and other policymakers and advocates have promoted changes to our election administration system including proposals to establish a national mandate for universal voter registration; combat "deceptive practices" designed to deter legitimate voters from voting; require "permanent voter registration" systems; and require fail-safe procedures, so that eligible voters can correct inaccurate voter rolls and vote on the same day. Work continues toward having these proposals enacted into federal law.

III.2 Fairness and equality

The United States has always been a multi-racial, multi-ethnic, multi-religious society. Although we have made great strides, work remains to meet our goal of ensuring equality before the law for all. Thirty years ago, the idea of having an African-American president would not have seemed possible; today it is our reality. Our Attorney General, the nation's top law enforcement officer, is also African-American. Three of the last four Secretaries of State have been women, and two of the last three have been African-American. We have recently appointed our first Hispanic Supreme Court Justice, as well as several LGBT individuals to senior positions in the Executive Branch. And while individual stories do not prove the absence of enduring challenges, they demonstrate the presence of possibilities.

In 1947, W.E.B. DuBois testified before the UN General Assembly on the continued pervasive discrimination against African Americans in the United States. In the ensuing decades the U.S. civil rights movement emerged as a quintessential example of citizens using principles of non-violence, law, protest, and public debate to hold their government accountable and to demand that it deliver on their right to equal and fair treatment. The movement led to critical new laws prohibiting discrimination and seeking to ensure equal opportunity for all individuals. The progress in the decades since is a source of pride to our government and to our people. Indeed, our nation's struggle to banish the legacy of slavery and our long and continuing journey toward racial equality have become the central and emblematic narrative in our quest for a fair and just society that reflects the equality of all.

The United States aspires to foster a society in which, as Dr. Martin Luther King, Jr. put it, the success of our children is determined by the “content of their character.” We are not satisfied with a situation where the unemployment rate for African Americans is 15.8%, for Hispanics



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12.4%, and for whites 8.8%, as it was in February 2010. We are not satisfied that a person with disabilities is only one-fourth as likely to be employed as a person without disabilities. We are not satisfied when fewer than half of African-American and Hispanic families own homes while three quarters of white families do. We are not satisfied that whites are twice as likely as Native Americans to have a college degree. The United States continues to address such disparities by working to ensure that equal opportunity is not only guaranteed in law but experienced in fact by all Americans.

In addition to our continuing quest to achieve fairness and equality for racial and ethnic minorities across our society, we wish to call attention to the following groups and issues.

Fairness, equality, and persons with disabilities

United States law and practice provide broad and effective protections against, and remedies for, disability-based discrimination. The most notable of these is the Americans with Disabilities Act of 1990 (ADA), the first national civil rights legislation in the world to unequivocally prohibit discrimination against persons with disabilities, which was amended in 2008 to ensure broader protections. The intent of these laws is to prohibit discrimination on the basis of disability and remove barriers to the full and equal inclusion of people with disabilities in U.S. society. These laws cover areas of life including education, health care, transportation, housing, employment, technology, information and communication, the judicial system, and political participation. To ensure implementation of these laws, a variety of technical assistance and remedies have been supported with federal funds. For example, training has been provided to the public and private

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sectors on implementation of the ADA; parent training information centers empower families to understand and claim their rights; and federally funded centers for independent living support the empowerment of individuals with disabilities to live where and with whom they choose in their communities. The Department of Justice and other federal departments and agencies have the authority to enforce these laws and, in this regard, receive complaints and utilize mediation and litigation as appropriate. On July 30, 2009, the United States signed the UN Convention on the Rights of Persons with Disabilities and is pursuing the necessary steps toward ratification, which the Administration strongly supports. Upon the 20th anniversary of the ADA, President Obama

further demonstrated the nation's commitment to continued vigilance and improvement by announcing new regulations that increase accessibility in a variety of contexts and commit the federal government to hiring more persons with disabilities. Although we recognize that discrimination and access problems persist, which we are actively striving to address, the substantive equality of persons with disabilities in the United States has improved enormously in the past few decades.

Fairness, equality, and Lesbian, Gay, Bisexual and Transgender (LGBT) persons

In each era of our history there tends to be a group whose experience of discrimination illustrates the continuing debate among citizens about how we can build a more fair society. In this era, one such group is LGBT Americans. In 2003, reversing a prior decision, the Supreme Court struck down a state criminal law against sodomy, holding that criminalizing consensual private sexual practices between adults violates their rights under the Constitution.² With the recent passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009,



Rights of Persons with Disabilities: Voters use accessible voting machines during early voting Thursday, Oct. 30, 2008, at the King County Elections office in Renton, Washington (AP Photo/Elaine Thompson)

the United States has bolstered its authority to prosecute hate crimes, including those motivated by animus based on sexual orientation, gender identity, or disability. Since 1998, employment discrimination based on sexual orientation has been prohibited in federal employment. Earlier this year, the Administration extended many benefits to the same-sex partners of federal employees, and supports the pending Domestic Partnership Benefits and Obligations Act, a law that would extend additional benefits currently accorded to married couples to same sex partners. Furthermore, President Obama is committed to the repeal of the “Don’t Ask, Don’t Tell” statute, which prevents gays and lesbians from serving openly in the military, and both the Chairman of the Joint Chiefs of Staff and the Secretary of Defense have testified at congressional hearings in support of its repeal. The President has also supported passage of the Employment Non-Discrimination Act, which would prohibit discrimination in employment based on sexual orientation or gender identity. Debate continues over equal rights to marriage for LGBT Americans at the federal and state levels, and several states have reformed their laws to provide for same-sex marriages, civil unions, or domestic partnerships. At the federal level, the President supports repeal of the Defense of Marriage Act.

Fairness, equality, and Muslim, Arab-American and South Asian American persons

We have worked to ensure fair treatment of members of Muslim, Arab-American, and South Asian communities. The U.S. Government is committed to protecting the rights of members of these groups, and to combating discrimination and intolerance against them. Examples of such measures include the Justice Department’s formation of the 9/11 Backlash Taskforce and

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civil rights work on religious freedom (e.g., bringing a case on behalf of a Muslim school girl to protect her right to wear a hijab); the civil rights outreach efforts of the Department of Homeland Security; and the Equal Employment Opportunity Commission’s enforcement efforts to combat backlash-related employment discrimination which resulted in over \$5 million for victims from 2001-2006.

At our UPR consultations, including the meeting in Detroit, Michigan, Muslim, Arab-American, and South Asian citizens shared their experiences of intolerance and pressed for additional efforts to challenge misperceptions and discriminatory stereotypes, to prevent acts of vandalism, and to combat hate crimes. The federal government is committed to ongoing efforts to combat discrimination: the Attorney General’s review of the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies (discussed below), as well as efforts to limit country-specific travel bans, are examples.

Fairness, equality, and women

As one of President Obama’s first official acts, he signed into law the Lilly Ledbetter Fair Pay Act of 2009, which helps women who face wage discrimination recover their lost wages. Shortly thereafter, the President created the White House Council on Women and Girls

The Obama Administration strongly supports U.S. ratification of the Convention on the Elimination of all forms of Discrimination Against Women and is working with our Senate toward this end.

to seek to ensure that American women and girls are treated fairly and equally in all matters of public policy. Thus, for instance, the Administration supports the Paycheck Fairness Act, which will help ensure that women receive equal pay for equal work. Our recent health care reform bill also lowers costs and offers greater choices for women, and ends insurance company discrimination against them. Moreover, the Administration established the first White House Advisor on Violence Against Women, appointed two women to the U.S. Supreme Court, and created an unprecedented position of Ambassador-at-Large for Global Women's Issues to mobilize support for women around the world. The Obama Administration strongly supports U.S. ratification of the Convention on the Elimination of all forms of Discrimination Against Women and is working with our Senate toward this end.

Fairness, equality, and Native Americans

The U.S. took the UPR process to "Indian Country." One of our UPR consultations was hosted on tribal land in Arizona, the New Mexico consultation addressed American Indian and Alaska Native issues, and other consultations included tribal representatives. The United States has a unique legal relationship with federally

recognized tribes. By virtue of their status as sovereigns that pre-date the federal Union, as well as subsequent treaties, statutes, executive orders, and judicial decisions, Indian tribes are recognized as political entities with inherent powers of self-government. The U.S. government therefore has a government-to-government relationship with 564 federally recognized Indian tribes and promotes tribal self-governance over a broad range of internal and local affairs. The United States also recognizes past wrongs and broken promises in the federal government's relationship with American Indians and Alaska Natives, and recognizes the need for urgent change. Some reservations currently face unemployment rates of up to 80 percent; nearly a quarter of Native Americans live in poverty; American Indians and Alaska Natives face significant health care disparities; and some reservations have crime rates up to 10 times the national average. Today we are helping tribes address the many issues facing their communities.

In November of last year, President Obama hosted a historic summit with nearly 400 tribal leaders to develop a policy agenda for Native Americans where he emphasized his commitment to regular and meaningful consultation with tribal officials regarding federal policy decisions that have tribal implications. In March, the President signed into law important health provisions for American Indians and Alaska Natives. In addition, President Obama recognizes the importance of enhancing the role of tribes in Indian education and supports Native language immersion and Native language restoration programs.

Addressing crimes involving violence against women and children on tribal lands is a priority. After extensive consultations with tribal leaders, Attorney General Eric Holder announced

significant reform to increase prosecution of crimes committed on tribal lands. He hired more Assistant U.S. Attorneys and more victim-witness specialists. He created a new position, the National Indian Country Training Coordinator, who will work with prosecutors and law enforcement officers in tribal communities. The Attorney General is establishing a Tribal Nations Leadership Council to provide ongoing advice on issues critical to tribal communities.

On July 29, 2010, President Obama signed the Tribal Law and Order Act, requiring the Justice Department to disclose data on cases in Indian Country that it declines to prosecute and granting tribes greater authority to prosecute and punish criminals. The Act also expands support for Bureau of Indian Affairs and Tribal officers. It includes new provisions to prevent counterfeiting of Indian-produced crafts and new guidelines and training for domestic violence and sex crimes, and it strengthens tribal courts and police departments and enhances programs to combat drug and alcohol abuse and help at-risk youth. These are significant measures that will empower tribal governments and make a difference in people's lives.

In April 2010, at the UN Permanent Forum on Indigenous Issues, U.S. Ambassador to the UN Susan Rice announced that the United States would undertake a review of its position on the UN Declaration on the Rights of Indigenous Peoples. That multi-agency review is currently underway in consultation with tribal leaders and with outreach to other stakeholders.

Fairness and equality at work

The United States is committed to continuing to root out discrimination in the workplace, and the federal government is committed to

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vigorously enforcing laws to that end. The Justice Department and the Equal Employment Opportunity Commission have reinvigorated efforts to enforce Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, sex, national origin, and religion, and the Age Discrimination in Employment Act, which prohibits employment discrimination based on age. Both laws also prohibit retaliation against employees who bring charges of discrimination in the workplace.

In recognition of discrimination's long-term effects, for 45 years, working through the Department of Labor and other agencies, the federal government has required private companies with which it conducts significant business to take proactive steps to increase the participation of minorities and women in the workplace when they are underrepresented, and to ensure fairness in recruiting, hiring, promotion, and compensation. In May 2010, the Department of Labor chaired the first meeting since 2000 of the President's Committee on the International Labor Organization (ILO), which coordinates U.S. policy toward the ILO. The Committee agreed to work toward the successful ratification of ILO Convention No. 111 (to combat discrimination at work) and directed a subgroup to resume work on reviewing the feasibility of other conventions for ratification.

Fairness and equality in housing

The United States protects citizens from discrimination in housing through the Fair Housing Act of 1968, which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, or disability. Housing providers, both public and private, as well as other entities, such as municipalities, banks, and homeowners' insurance companies, are all covered by the Act. There is also a robust legal infrastructure in place for the investigation and prosecution of housing discrimination claims brought under the Act. Additionally, the 1974 Equal Credit Opportunity Act prohibits discrimination in the extension of credit, encompassing the actions of mortgage lenders and banks.

Following the recent economic crisis, the issue of predatory lending, and particularly discriminatory lending, is an area of enforcement focus. The recession in the United States was fueled largely by a housing crisis, which coincided with some discriminatory lending practices. The subsequent foreclosure crisis has disproportionately affected communities of color, and the federal government has focused resources and efforts to determine whether and where discrimination took

place, as well as to ensure greater oversight going forward to prevent similar crises in the future. In this respect President Obama signed major financial reform legislation in 2010 that includes a new consumer protection bureau, among other provisions.

Fairness and equality in education

The United States is committed to providing equal educational opportunities to all children, regardless of their individual circumstances, race, national origin, ethnicity, gender, or disability. Consistent with this commitment, the federal government uses educational programs to ensure that federal dollars assist underserved students and develop strategies that will help such students succeed. The federal government has also taken steps to ensure that students with disabilities have access to technology, and to provide low-income students and students of color with increased access to early learning and college. In addition, the Department of Education administers and promotes programs that seek to provide financial aid to all students in need; promotes educational equity for women and students of color; assists school districts in offering educational opportunities to Native Hawaiians, American Indians, and Alaska Natives; and provides grants to strengthen



The United States is committed to providing equal educational opportunities to all children, regardless of their individual circumstances, race, national origin, ethnicity, gender, or disability. (AP Photo/Marcio Jose Sanchez)

historically Black colleges and universities and other institutions serving previously underserved populations.

Additionally, the Departments of Justice and Education enforce numerous laws, including the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Patsy T. Mink Equal Opportunity in Education Act of 1972 (Title IX), and the Rehabilitation Act of 1973, that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age with regard to education. In this capacity, the Justice Department is a party to more than 200 court cases addressing equal opportunities for students, and is involved in numerous out-of-court investigations, many of which have led to settlement agreements. The Department of Education investigates and resolves civil rights complaints filed by individuals, resolving 6,150 such complaints in the most recent fiscal year, and initiates compliance reviews where information suggests widespread discrimination. The Individuals with Disabilities Education Act (IDEA) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.

The federal government is working closely with civil society groups—the representatives of which frequently raised the issue of education in our UPR consultations—and with state and local education authorities in our fifty states to address the factors that contribute to the education “achievement gap,” and to ensure equality and excellence for all children in public schools, and particularly African-American and Hispanic children and children for whom English is a second language, who, like others, find linguistic discrimination a barrier to full participation.

The United States recognizes that racial or ethnic profiling is not effective law enforcement and is not consistent with our commitment to fairness in our justice system.

Fairness and equality in law enforcement

The United States recognizes that racial or ethnic profiling is not effective law enforcement and is not consistent with our commitment to fairness in our justice system. For many years, concerns about racial profiling arose mainly in the context of motor vehicle or street stops related to enforcement of drug or immigration laws. Since the September 11, 2001 terrorist attacks, the debate has also included an examination of law enforcement conduct in the context of the country’s effort to combat terrorism. Citizens and civil society have advocated forcefully that efforts by law enforcement to prevent future terrorist attacks must be consistent with the government’s goal to end racial and ethnic profiling.

In addition to the U.S. Constitution, there are several federal statutes and regulations that impose limits on the use of race or ethnicity by law enforcement in their decision-making and enforcement activities. In particular, title VI of the Civil Rights Act of 1964, prohibits discrimination based on race, color or national origin in all federally assisted programs or activities, and 42 U.S.C. §14141 provides the Department of Justice with a cause of action to sue police departments for injunctive relief if they are engaging in a pattern or practice of unlawful conduct, including violations of non-discrimination mandates.

Law enforcement is one of the fundamental duties of any state. Our commitment to the inalienable rights of each person guides our efforts to ensure that our law enforcement system reflects and respects those rights.

The U.S. Government's efforts to combat racial and ethnic profiling include increasing enforcement of federal anti-profiling statutes, as well as an examination of federal law enforcement policies and practices. In late 2009, the Attorney General initiated an internal review of the Justice Department's 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to determine whether it is effective, and will recommend any changes that may be warranted.

On August 3, 2010, President Obama signed a law that reduces sentencing disparities between powder cocaine and crack cocaine offenses, capping a long effort—one discussed at our UPR consultations—that arose out of the fact that those convicted of crack cocaine offenses are more likely to be members of a racial minority.

The Administration is also committed to ensuring that the United States complies with its international obligations to provide consular notification and access for foreign nationals in U.S. custody, including the obligations arising from the *Avena* decision of the International Court of Justice.

III.3 Dignity

Safeguards for dignity in law enforcement and criminal justice

Law enforcement is one of the fundamental duties of any state. Our commitment to the inalienable rights of each person guides our efforts to ensure that our law enforcement system reflects and respects those rights.

The U.S. Constitution, as well as federal and state statutes, provides a number of substantive and procedural protections for individuals accused of committing crimes, those being held for trial, and those who are held in prisons or jails. These include the right to be protected from unreasonable search and seizures, the right to due process under the law, the right to equal protection under the law, the right to an attorney, the right to remain silent during a criminal proceeding, the right to be protected from excessive bail in federal prosecutions, the right to be informed of the nature of the charges filed and of potential punishments, the right to a speedy and public trial, the right to cross-examine witnesses at trial, the right to an impartial jury of peers before someone can be sentenced to a year or more in prison, the right to be protected against being tried for the same crime twice, and the right to be free from cruel and unusual punishment in all prosecutions. (These constitutional rights are generally reflected, at times with different terminology, in international human rights law instruments to which the U.S. is party. In some respects, our constitutional rights go beyond those guaranteed in international law.)

These protections help to ensure that our process for determining criminal sanctions, including those that deprive individuals of their liberty, is fairly designed and implemented. Nonetheless

many in civil society continue to raise concerns about our nation's criminal justice system at federal and state levels, including in the areas of capital punishment, juvenile justice, racial profiling, and racial disparities in sentencing. We are committed to continued vigilance in our effort to enforce the law in a manner consistent with the Constitution and with the rights and dignity of all citizens.

Dignity and incarceration

The United States is committed to protecting the rights of incarcerated persons, and we regularly investigate, monitor compliance, and, where necessary, take legal action to secure the constitutional rights of incarcerated people, including the right to practice their religion.

We have also taken action to prevent assaults on the dignity of prisoners that may come from other prisoners. The independent National Prison Rape Elimination Commission, established by Congress under the Prison Rape Elimination Act, was charged with studying the impact of sexual assault in correction and detention facilities and developing national standards for the detection, prevention, reduction, and punishment of prison rape. In 2009, the Commission released its report which detailed progress made in improving the safety and security in these facilities as well as areas still in need of reform. The United States is working to address these issues. The Department of Justice is in the process of developing comprehensive regulations to effectively reduce rape in our nation's prisons.

In addition to working to ensure that prisons and jails meet constitutional standards, alternatives to incarceration are being utilized by states, including intensive probation supervision, boot camps, house arrest, and diversion to drug treatment.

Dignity and criminal sanctions

The United States may impose the death penalty for the most serious crimes and subject to exacting procedural safeguards. Federal laws providing for the death penalty most often involve serious crimes in which death results. Several non-homicide crimes may also result in the imposition of a death sentence, e.g., espionage, treason, and several carefully circumscribed capital offenses intended to target the threat of terrorist attacks resulting in widespread loss of life.

The federal government utilizes a system for carefully examining each potential federal death penalty case. This system operates to help ensure that the death penalty is not applied in an arbitrary, capricious, or discriminatory manner, and to promote indigent defendants receiving competent representation by qualified attorneys. Many of our states have adopted procedures of their own to provide experienced counsel for indigent defendants. In addition, existing federal law permits DNA testing in relevant federal and state cases.

In 2009, the death penalty was applied in 52 cases in the United States, about half the number of a decade earlier. The death penalty is authorized by 35 states, the federal government, and the U.S. military. There are currently 16 jurisdictions without the death penalty. While state governments retain primary responsibility for establishing procedures and policies that govern state capital prosecutions, the Supreme Court has excluded from application of the death penalty those offenders who, at the time of the offense, were under age 18³ or had intellectual disabilities⁴.

Dignity and juvenile offenders

In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDP), to ensure that youth were not treated merely as “little adults,” and that they received necessary and appropriate rehabilitative services in the least restrictive environment consistent with public safety. The JJDP created an office within the Justice Department dedicated to supporting federal, state, and local efforts to prevent juvenile crime, improving the juvenile justice system, and addressing the needs of juvenile crime victims. This office provides funding to states for system improvement, as well as funding for research to identify optimal prevention and intervention strategies for youth in the juvenile justice system or at risk of entering it. Our UPR consultations included direct testimony from juvenile offenders who underscored the importance of intervention strategies and programs to help juvenile offenders find education and employment so that they can become self-sufficient.

The Department of Justice also has a robust program to protect the rights of juveniles in juvenile justice facilities. For example, in July 2010, the Department entered an agreement with the State of New York regarding unconstitutional conditions in four upstate facilities. The agreement, in addition to limiting the kinds of restraints that can be used, mandates adequate mental health and substance abuse services.

In May 2010, the Supreme Court ruled that sentences of life imprisonment without the possibility of parole for juveniles who commit non-homicide offenses violate the Constitution’s prohibition against cruel and unusual punishment.⁵

IV. A commitment to foster a society where citizens are empowered to exercise their rights

The paradigm elucidated in Franklin Roosevelt’s 1941 “Four Freedoms” speech became a reference point for many in the international human rights movement. On subjects such as “freedom from want,” the United States has focused on democratic solutions and civil society initiatives while the U.S. courts have defined our federal constitutional obligations narrowly and primarily by focusing on procedural rights to due process and equal protection of the law. But as a matter of public policy, our citizens have taken action through their elected representatives to help create a society in which prosperity is shared, including social benefits provided by law, so that all citizens can live what Roosevelt called “a healthy peacetime life.” Often this has included safeguards for the most vulnerable in our society—including the young, the old, the poor, and the infirm. In the wake of the Civil War, legislation was passed to support the well-being of widows and veterans, and to provide land to former slaves. By the early 20th century, all of our states had recognized that children needed schooling in order to become free and engaged citizens and had instituted free education for all. During the Great Depression, new programs were introduced to ensure the security of those who could no longer work. In the 1960s, several administrations announced a “war on poverty,” and programs were established to provide health care for seniors and the very poor. And this year saw the passage of major legislation that will greatly expand the number of Americans who have health insurance. In every case, the creation of these programs has

reflected a popular sense that the society in which we want to live is one in which each person has the opportunity to live a full and fulfilling life. That begins, but does not end, with the exercise of their human rights.

IV.1 Education

Through the American Recovery and Reinvestment Act of 2009, the current Administration has made an unprecedented financial commitment of almost \$100 billion to education. In November 2009, the Administration announced the Race to the Top program, a \$4.35 billion fund that is the largest competitive education grant program in U.S. history. It is designed to provide incentives to states to implement large-scale, system-changing reforms that improve student achievement, narrow achievement gaps, and increase graduation and college enrollment rates. Additionally, Recovery Act funds are being used to promote high-quality early childhood education, provide an increase in available financial aid and loans for postsecondary school, and provide \$12 billion for community colleges to give access to workers who need more education and training.

IV.2 Health

The United States has been the source of many significant innovations in modern medicine that have alleviated suffering and cured disease for millions in our own country and around the world. This year, we also made significant progress by enacting major legislation that expands access to health care for our citizens.

On March 23, 2010, President Obama signed the Affordable Care Act into law. The Act makes great strides toward the goal that all Americans have access to quality, affordable health care. The

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law is projected to expand health insurance coverage to 32 million Americans who would otherwise lack health insurance, significantly reduces disparities in accessing high-quality care, and includes substantial new investments in prevention and wellness activities to improve public health. The law also includes important consumer protections, such as prohibiting insurance companies from denying coverage to people based on pre-existing conditions or medical history, which disproportionately impacts older and sicker populations.

The law increases access to care for underserved populations by expanding community health centers that deliver preventive and primary care services. The law will also help our nation reduce disparities and discrimination in access to care that have contributed to poor health. For example, African Americans are 29 percent more likely to die from heart disease than non-Hispanic whites. Asian American men suffer from stomach cancer 114 percent more often than non-Hispanic white men. Hispanic women are 2.2 times more likely to be diagnosed with cervical cancer

than non-Hispanic white women. American Indians and Alaska Natives are 2.2 times as likely to have diabetes as non-Hispanic whites. Additionally, these racial and ethnic groups accounted for almost 70 percent of the newly diagnosed cases of HIV and AIDS in 2003.⁶

The Act will reduce disparities like these through access to preventive services; investment in chronic disease control and prevention; enhanced data collection to support population-specific epidemiological research; and recruitment of health professionals from diverse backgrounds.

Implementation of the Affordable Care Act will help more Americans get the care they need to live healthy lives and ensure more Americans are free to learn, work, and contribute to their communities.

IV.3 Housing

The ability to access quality and affordable housing has a substantial impact on a person's health, education, and economic opportunities. Although we are fortunate to have a high-quality housing stock and a high percentage of homeownership, meeting our nation's housing needs will require continued effort, particularly in expanding the availability of affordable housing in all communities as our population grows. This was a topic frequently raised by citizens in our consultations, and our meetings in New York and New Orleans included visits to public housing facilities and discussions with residents.

Federal housing assistance programs play an important role in covering the difference between the rents that low-income families are able to afford and the cost of rental housing. The main federal assistance programs to help households access affordable housing are the Housing Choice Voucher Program (Section 8), project-based

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Section 8 rental assistance, and public housing. These programs are intended to reduce housing costs to about 30 percent of household income.

We are creating new solutions to address the challenge of homelessness, which often coincides with other vulnerabilities such as mental illness. \$190 million in new funding announced in July, 2010, will provide support to 550 local projects that will offer critically needed housing and support services to nearly 20,000 homeless individuals and families. This comes on top of the nearly \$1.4 billion awarded last December to renew funding to more than 6,400 existing local programs. Moreover, the Homeless Prevention and Rapid Re-Housing Program, part of the Recovery Act, has helped prevent and end homelessness for nearly a half million people since it became law last year.

V. A commitment to values in our engagement across borders

The United States understands its role as a cornerstone in an international system of cooperation to preserve global security, support the growth of global prosperity and progress toward world peace based on respect for the human rights and dignity of every person.

Our own efforts to build such a world include our role as the world's largest donor of development aid—including our commitment to disaster relief as seen recently in Haiti and Pakistan. And they include a commitment to using “smart power” in our foreign policy, including a focus on honest, determined diplomacy and on harnessing the full potential of international institutions to facilitate cooperation.

We also know that although we never welcome the use of force, wisdom and necessity will sometimes require it. As President Obama said in his Nobel Lecture, “To say that force may sometimes be necessary is not a call to cynicism—it is a recognition of history; the imperfections of man and the limits of reason.”

The fundamental truth which grounds the principles of government enshrined in our Constitution—that each person is created with equal value from which flows inalienable rights—is not an exclusively American truth; it is a universal one. It is the truth that anchors the Universal Declaration of Human Rights, it is the truth that underpins the legitimate purposes and obligations not just of our government, but of all governments.

We are committed to that universal truth, and so we are committed to principled engagement across borders and with foreign governments and their citizens. This commitment includes, in the words of our Declaration of Independence, according “decent respect to the opinions of mankind,” and seeking always to preserve and protect the dignity of all persons, because the values that we cherish apply everywhere and to everyone.

V.1 Values and national security

The United States is currently at war with Al Qaeda and its associated forces. President Obama has made clear that the United States is fully committed to complying with the Constitution and with all applicable domestic and international law, including the laws of war, in all aspects of this or any armed conflict. We start from the premise that there are no law-free zones, and that everyone is entitled to protection under law. In his Nobel Lecture, the President made clear that “[w]here force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct...[E]ven as we confront a vicious adversary that abides by no rules...the United States of America must remain a standard bearer in the conduct of war.”

Detention and treatment of detainees

On his second full day in office, President Obama acted to implement this vision by issuing three Executive Orders relating to U.S. detention, interrogation, and transfer policies and the Guantánamo Bay detention facility.

Executive Order 13491, *Ensuring Lawful Interrogations*, directed that individuals detained in any armed conflict shall in all circumstances be treated humanely and shall not be subjected to

In issuing Executive Order 13492, *Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities*, the President announced the Administration's intention to close the Guantánamo Bay detention facilities.

violence to life and person, nor to outrages upon personal dignity, whenever such individuals are in the custody or under the effective control of the United States Government or detained within a facility owned, operated, or controlled by the United States. Such individuals shall not be subjected to any interrogation technique or approach that is not authorized by and listed in Army Field Manual 2-22.3, which explicitly prohibits threats, coercion, physical abuse, and water boarding. The Order further directed the Central Intelligence Agency to close any detention facilities it operated, and not to operate any such detention facilities in the future. Individuals detained in armed conflict must be treated in conformity with all applicable laws, including Common Article 3 of the 1949 Geneva Conventions, which the President and the Supreme Court have recognized as providing "minimum" standards of protection in all non-international armed conflicts, including in the conflict with Al Qaeda.⁷

The Executive Order also directed a review of all U.S. transfer policies to ensure that they do not result in the transfer of individuals to other nations to face torture or otherwise for the purpose, or with the effect, of undermining or circumventing the commitments or obligations

of the United States to ensure the humane treatment of individuals in its custody or control. The resulting Task Force on transfer practices issued recommendations to the President regarding ways to strengthen existing safeguards in transfer policies, including that the State Department be involved in evaluating all diplomatic assurances; that mechanisms for monitoring treatment in the receiving country be further developed; and that the inspectors general of three key U.S. government departments involved in transfers prepare annually a coordinated report on transfers conducted by each of their agencies in reliance on assurances. The United States is developing practices and procedures that will ensure the implementation of Task Force recommendations.

Thus, the United States prohibits torture and cruel, inhuman, or degrading treatment or punishment of persons in the custody or control of the U.S. Government, regardless of their nationality or physical location. It takes vigilant action to prevent such conduct and to hold those who commit acts of official cruelty accountable for their wrongful acts. The United States is a party to the Convention Against Torture, and U.S. law prohibits torture at both the federal and state levels. On June 26, 2010, on the anniversary of adoption of the Convention Against Torture, President Obama issued a statement unequivocally reaffirming U.S. support for its principles, and committing the United States to continue to cooperate in international efforts to eradicate torture.

In issuing Executive Order 13492, *Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities*, the President announced the Administration's intention to close the Guantánamo Bay detention facilities. The President also created a task force to recommend the appropriate disposi-

tion of each detainee held at Guantánamo. The Task Force assembled large volumes of information from across the government to determine the proper disposition of each detainee. The Task Force examined this information critically, giving careful consideration to, among other things, the threat posed by the detainee, the reliability of the underlying information, any concerns about the post-transfer humane treatment of the detainee, and the interests of national security. Based on the Task Force's evaluations and recommendations, senior officials representing each agency responsible for the review reached unanimous determinations on the appropriate disposition for all detainees. Since January 2009, 38 detainees have resettled successfully in third countries, an additional 26 detainees have been repatriated, and one has been transferred to the United States for prosecution. The Administration remains committed to closure of the Guantánamo detention facility.

Executive Order 13493, *Review of Detention Policy Options*, established a task force to review and facilitate significant policy decisions regarding broader detention questions. This Special Task Force on Detention Policy has reviewed available options for the apprehension, detention, trial, transfer, release, or other disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations. As a matter of domestic law, the Obama Administration has not based its claim of authority to detain individuals at Guantánamo and in Afghanistan on the President's inherent constitutional powers, but rather on legislative authority expressly granted to the President by Congress in 2001. The Administration has expressly acknowledged that international law informs the scope of our detention authority. The President has also made clear that we have a national security interest in prosecuting terrorists, either before Article

Freedom from arbitrary and unlawful interference with privacy is protected under the Fourth Amendment to the Constitution and federal statutes.

III courts or military commissions, and that we would exhaust all available avenues to prosecute Guantánamo detainees before deciding whether it would be appropriate to continue detention under the laws of war. Working with our Congress, we have revised our military commissions to enhance their procedural protections, including prohibiting introduction of any statements taken as a result of cruel, inhuman, or degrading treatment.

Privacy

Freedom from arbitrary and unlawful interference with privacy is protected under the Fourth Amendment to the Constitution and federal statutes. In addition, state and local laws and regulations provide robust protections of individuals' right to privacy and rigorous processes to ensure that investigative authorities are undertaken consistent with the Constitution.

Protecting our national interests may involve new arrangements to confronting threats like terrorism, but these structures and practices must always be in line with our Constitution and preserve the rights and freedoms of our people. Although the departments and agencies of the U.S. Government involved in surveillance and the collection of foreign intelligence information comply with a robust regime of laws, rules, regulations, and policies designed to protect national security and privacy, significant concerns in these areas have been raised by civil society, including

Over the last 50 years, the U.S. has accepted several million refugees fleeing persecution from all corners of the globe as well as many millions of immigrants seeking a better life or joining family.

concerns that relevant laws have been made outdated by technological changes, and that privacy protections need to be applied more broadly and methodically to surveillance.

The 2001 USA PATRIOT Act expanded intelligence collection authorities under the Foreign Intelligence Surveillance Act (FISA), which regulates electronic surveillance and physical searches conducted to acquire foreign intelligence information. The U.S. Executive Branch acknowledged in 2005 that the U.S. National Security Agency had been intercepting without a court order certain international communications where the government had a reasonable basis to conclude that one person was a member of, or

affiliated with, Al Qaeda or a member of an organization affiliated with Al Qaeda and where one party was outside the United States. In response, considerable congressional and public attention focused on issues regarding the authorization, review, and oversight of electronic surveillance programs designed to acquire foreign intelligence information or to address international terrorism. Congress held hearings and enacted new legislation, including the 2007 Protect America Act and a series of amendments to FISA.

V.2 Values and immigration

That immigrants have been consistently drawn to our shores throughout our history is both a testament to and a source of the strength and appeal of our vibrant democracy. As he left office, President Reagan remarked that the United States is “still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.” Over the last 50 years, the U.S. has accepted several million refugees fleeing persecution from all corners of the globe as well as many millions of immigrants seeking a better life or joining family. Today, the United States and other



A courtroom official administers the Oath of Allegiance to applicants at a Naturalization Ceremony in Charleston, Virginia, Monday Sept. 20, 2010. (AP Photo/The Charleston Gazette, Lawrence Pierce)

countries to which a significant number of people seek to emigrate face challenges in developing and enforcing immigration laws and policies that reflect economic, social, and national security realities. In addressing these issues we seek to build a system of immigration enforcement that is both effective and fair.

In 2009, the Department of Homeland Security (DHS) began a major overhaul of the U.S. immigration detention system in an effort to improve detention center management and prioritize health, safety, and uniformity among immigration detention facilities, while ensuring security and efficiency. As part of this effort, in conjunction with ongoing consultations with non-governmental organizations and outside experts, DHS issued revised parole guidelines, effective January 2010, for arriving aliens in expedited removal found to have a credible fear of persecution or torture. The new guidelines firmly establish that it is not in the public interest to detain those arriving aliens found to have a credible fear who establish their identities, and that they pose neither a flight risk nor a danger to the community.

Under section 287(g) of the Immigration and Nationality Act, DHS may delegate authority to state and local officers to enforce federal immigration law. DHS has made improvements to the 287(g) program, including implementing a new, standardized Memorandum of Agreement with state and local partners that strengthens program oversight and provides uniform guidelines for DHS supervision of state and local agency officer operations; information reporting and tracking; complaint procedures; and implementation measures. DHS continues to evaluate the program, incorporating additional safeguards as necessary to aid in the prevention of racial profiling and

The U.S. stands out in terms of the sophistication and breadth of its anti-trafficking efforts.

civil rights violations and improve accountability for protecting human rights.

A recent Arizona law, S.B. 1070, has generated significant attention and debate at home and around the world. The issue is being addressed in a court action that argues that the federal government has the authority to set and enforce immigration law. That action is ongoing; parts of the law are currently enjoined.

President Obama remains firmly committed to fixing our broken immigration system, because he recognizes that our ability to innovate, our ties to the world, and our economic prosperity depend on our capacity to welcome and assimilate immigrants. The Administration will continue its efforts to work with the U.S. Congress and affected communities toward this end.

V.3 Values and trafficking

In June 2010, the United States issued its 10th Annual Trafficking in Persons Report outlining the continuing challenges posed by human trafficking across the globe and, for the first time, included a ranking and full narrative of the United States. The narrative includes detailed information about U.S. anti-trafficking efforts undertaken by more than 10 federal agencies and its pursuit of policies, partnerships, and practices aimed at protecting victims, preventing trafficking, and prosecuting traffickers.

Hallmarks of the U.S. approach to combating human trafficking include:

- a) vigorous prosecution of traffickers, and funding task forces throughout the nation comprised of local, state and federal law enforcement and a non-governmental victim service provider;
- b) a victim-centered approach that recognizes victims require specialized care and are an integral part of any investigation and/or prosecution;
- c) comprehensive victim services such as shelter, health care, mental health care, food, safety, legal services, interpretation, victim advocacy, immigration relief, education, job skills, employment placement, family reunification, and reintegration;
- d) temporary immigration relief and work authorization for victims assisting investigations and prosecutions and longer term immigration relief for certain victims and their family members which may then lead to permanent residence and citizenship;
- e) a coordinated identification and enforcement approach among labor, border, and criminal enforcement; and
- f) an expansive view of prevention activities that includes strengthening labor protections and enforcement, addressing demand for commercial sex, and working with civil society to rid corporate supply chains of forced labor.

The U.S. stands out in terms of the sophistication and breadth of its anti-trafficking efforts. Furthermore, we provide substantial international assistance aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers.

The United States views participation in this UPR process as an opportunity to discuss with our citizenry and with fellow members of the Human Rights Council our accomplishments, challenges, and vision for the future on human rights.

VI. Conclusion

The United States views participation in this UPR process as an opportunity to discuss with our citizenry and with fellow members of the Human Rights Council our accomplishments, challenges, and vision for the future on human rights. We welcome observations and recommendations that can help us on that road to a more perfect union. Delivering on human rights has never been easy, but it is work we will continue to undertake with determination, for human rights will always undergird our national identity and define our national aspirations.

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Annex 1: Human Rights Treaty Ratification and Reporting

The United States is at present Party to the following multilateral human rights related treaties

Slavery Convention and its amending Protocol

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

Protocol Relating to the Status of Refugees

Inter-American Convention on the Granting of Political Rights to Women

Convention on the Political Rights of Women

Convention on the Prevention and Punishment of the Crime of Genocide

ILO Convention No. 105 concerning the Abolition of Forced Labor

International Covenant on Civil and Political Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

International Convention on the Elimination of All Forms of Racial Discrimination

ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography

The United States has signed but not ratified the following multilateral human rights related treaties

International Covenant on Economic, Social and Cultural Rights

American Convention on Human Rights

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Rights of the Child

International Convention on the Rights of Persons with Disabilities

In addition, the United States has entered into many bilateral treaties (including consular treaties and treaties of friendship, commerce and navigation) that contain provisions guaranteeing various rights and protections to nationals of foreign countries on a reciprocal basis. In some cases, these may be invoked directly in United States courts for that purpose.

Note that shorter forms of these complete treaty names are used in the UPR report, e.g., “Convention Against Torture.”

In addition to accepting human rights obligations under the above-referenced treaties to which it is a party, the United States has made human rights commitments through numerous other instruments, including the 1948 Universal Declaration of Human Rights and the 1948 American Declaration of the Rights and Duties of Man.

The United States regularly submits lengthy and detailed reports on its implementation of several of the human rights treaties listed above, specifically the International Covenant on Civil and Political Rights, the Convention against Torture, the Convention on the Elimination of All Forms of Racial Discrimination, and the two Optional Protocols to the Convention on the Rights of the Child.

A compilation of that reporting is posted on the State Department’s website, at <http://www.state.gov/g/drl/hr/treaties/index.htm>

Annex 2: Abbreviations

ADA	Americans with Disabilities Act of 1990
AIDS	Acquired immune deficiency syndrome
DHS	Department of Homeland Security
DNA	Deoxyribonucleic acid
FISA	Foreign Intelligence Surveillance Act
HIV	Human immunodeficiency virus
IDEA	Individuals with Disabilities Education Act
JJDPA	Juvenile Justice and Delinquency Prevention Act
LGBT	Lesbian, gay, bisexual and transgender
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
USA PATRIOT	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

Annex 3: End Notes

1. A.A. v. Needville Indep. Sch. Dist., No. 09-20091 (5th Cir, July 9, 2010)
2. Lawrence v. Texas, 539 U.S. 558 (2003).
3. Roper v. Simmons, 543 U.S. 551, 578 (2005).
4. Atkins v. Virginia, 536 U.S. 304 (2002).
5. Graham v. Florida, __ U.S. __ (May 17, 2010).
6. U.S. Department of Health and Human Services, Office of Minority Health “Protecting the Health of Minority Communities” (2006), available at: www.hhs.gov/news/factsheet/minorityhealth.html
7. Executive Order 13491 § 3(a) (Jan 22, 2009); Hamdan v Rumsfeld, 548 U.S. 557, 631 (2006)