



**Submission to the Universal Periodic Review of the
United States of America
50th session**

Human Rights Watch

April 2025

Introduction

1. Human Rights Watch (HRW) submits the following regarding the United States' (US) implementation of recommendations from its 2020 Universal Periodic Review (UPR). This submission is neither a complete review of implementation of all recommendations, nor a comprehensive review of US respect, protection, and fulfillment of human rights in the domestic sphere.¹

2. The US has undermined the international human rights order by withdrawing from multilateral institutions—namely the World Health Organization; UN Educational, Scientific, and Cultural Organization; and UN Relief and Works Agency for Palestine Refugees in the Near East— disengaging from the UN Human Rights Council; failing to ratify key human rights treaties and withdrawing from others, like the Paris Accords; attacking the work of the International Criminal Court; and preventing accountability for grave human rights abuses at the United Nations Security Council.²

Denial of Rights, Detention, and Abusive Treatment of Immigrants

3. In its 2020 national UPR report to the Human Rights Council, the US claimed immigrants “facing removal ... receive procedural protections.”³ This is often not the case. HRW has repeatedly documented cases of people deported without receiving procedural protections of their rights to seek asylum, to access counsel, and to be

¹ Additional information on the human rights issues in the United States can be found at Human Rights Watch, *World Report 2025*, (New York: Human Rights Watch, 2025), United States chapter, <https://www.hrw.org/world-report/2025/country-chapters/united-states>.

² Human Rights Watch, “US: Trump Authorizes International Criminal Court Sanctions,” Human Rights Watch news release, February 7, 2025, <https://www.hrw.org/news/2025/02/07/us-trump-authorizes-international-criminal-court-sanctions>; Human Rights Watch, “Human Rights Watch Briefing Note for the Twenty-Third Session of the International Criminal Court Assembly of State Parties,” Human Rights Watch statement, November 2024, <https://www.hrw.org/news/2024/11/18/human-rights-watch-briefing-note-twenty-third-session-international-criminal-court#:~:text=This%20briefing%20note%20sets%20out,to%20strengthen%20the%20court's%20performance>; Louis Charbonneau, “US Should Back UN Security Council Action to Protect Gaza’s Civilians,” commentary, Human Rights Watch dispatch, December 15, 2023, <https://www.hrw.org/news/2023/12/15/us-should-back-un-security-council-action-protect-gaza-civilians>; Human Rights Watch and Oxfam, “Israeli Forces Conduct in Gaza: Human Rights Watch and Oxfam Submission to Biden Administration’s NSM-20 Process,” Human Rights Watch statement, March 19, 2024, <https://www.hrw.org/news/2024/03/19/israeli-forces-conduct-gaza>; Human Rights Watch, *Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>; Human Rights Watch, “Israel: Starvation Used as Weapon of War in Gaza,” Human Rights Watch news release, December 18, 2023, <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>; Louis Charbonneau, “UN Needs Backup Plan to Keep Saving Lives,” commentary, Human Rights Watch dispatch, February 8, 2025, <https://www.hrw.org/news/2025/02/08/un-needs-backup-plan-keep-saving-lives>; Myrto Tilianaki, “US Paris Agreement Withdrawal Threatens Global Efforts to Tackle Climate Change,” commentary, Human Rights Watch dispatch, January 22, 2025, <https://www.hrw.org/news/2025/01/22/us-paris-agreement-withdrawal-threatens-global-efforts-tackle-climate-change>.

³ Report of the United States of America to the UN Human Rights Council, A/HRC/WG.6/36/USA/1 (2020) <https://www.state.gov/wp-content/uploads/2020/11/US-report-on-UPR-13-Aug-2020.pdf> (accessed March 3, 2025), para. 91.

protected against removal to harm.⁴

4. From 2019 to 2022, under the US “Remain in Mexico” program, 89,000 immigrants at the US-Mexico border received no procedural protections for their right not to be removed to harm.⁵ Between March 2020 and May 2023, US administrations expelled migrants about 2,960,000 times at the US-Mexico border without procedural protections under Title 42,⁶ a policy improperly justified as a public health response to the Covid-19 pandemic.⁷ Both programs denied immigrants their rights to access attorneys,⁸ and subjected many to return to harms, such as kidnapping, extortion, sexual assault, and other abuses, in Mexico, or similar abuses in other countries to which they were subsequently deported.⁹

5. Other Biden administration policies that restricted access to asylum¹⁰ and recent executive actions by the second Trump administration, including an order to restore the Remain in Mexico program¹¹ and a regulation that institutes nationwide “expedited removals,”¹² will increase the numbers of people removed without procedural

⁴ See, e.g. Human Rights Watch, “Haitians Being Returned to a Country in Chaos,” Human Rights Watch news release, March 24, 2022, <https://www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos>; Human Rights Watch, “How Can You Throw Us Back?” *Asylum Seekers Abused in the US and Deported to Harm in Cameroon* (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/02/10/how-can-you-throw-us-back/asylum-seekers-abused-us-and-deported-harm-cameroon>; Human Rights Watch, *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse* (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>; Human Rights Watch, *Mexico: Abuses Against Asylum Seekers at US Border* (New York: Human Rights Watch, 2021), <https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border>.

⁵ See, e.g. Human Rights Watch, “Remain in Mexico: Overview and Resources,” Human Rights Watch news release, February 7, 2022, <https://www.hrw.org/news/2022/02/07/remain-mexico-overview-and-resources>.

⁶ Muzaffar Chishti, Kathleen Bush-Joseph, and Julian Montalvo, “Title 42 Post-Mortem,” *Migration Policy Institute*, April 25, 2024, <https://www.migrationpolicy.org/article/title-42-autopsy#:~:text=Border%20officials%20expelled%20migrants%20more,encountered%20migrant%20under%20Title%2042> (accessed March 10, 2025).

⁷ *Ibid.*; Human Rights Watch, “US: End Misguided Public Health Border Expulsions,” Human Rights Watch news release, April 8, 2021, <https://www.hrw.org/news/2021/04/08/us-end-misguided-public-health-border-expulsions>.

⁸ American Immigration Council, “Statement for Hearing on Remain in Mexico,” Senate Committee on Homeland Security and Governmental Affairs, January 16, 2025, https://www.americanimmigrationcouncil.org/sites/default/files/research/remain_in_mexico_hsgac_jan_16_2025_statement_for_the_record.pdf.

⁹ Human Rights Watch, “DHS Formal Complaint Regarding Remain in Mexico,” Human Rights Watch letter, June 2, 2020, <https://www.hrw.org/news/2020/06/02/dhs-oig-formal-complaint-regarding-remain-mexico#:~:text=Human%20Rights%20Watch%20submits%20this,accountable%20for%20knowingly%20subjecting%20asylum>.

¹⁰ Human Rights Watch, “The Biden Administration Doubles Down on Harmful Asylum Rules,” Human Rights Watch news release, October 1, 2024, <https://www.hrw.org/news/2024/10/01/biden-administration-doubles-down-harmful-asylum-rules>.

¹¹ Executive Order, “Securing Our Borders,” The White House, January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/> (accessed April 1, 2025).

¹² Department of Homeland Security, Designated Aliens for Expedited Removal, January 24, 2024, <https://www.federalregister.gov/documents/2025/01/24/2025-01720/designating-aliens-for-expedited-removal> (accessed March 10, 2025); See also Human Rights Watch, “Ten Harmful Trump Administration Immigration and Refugee Policies,” Human Rights Watch news release, February 20, 2025, <https://www.hrw.org/news/2025/02/20/ten-harmful-trump-administration-immigration-and-refugee-policies>.

protections.¹³ Separate executive actions and regulations to involve regular law enforcement personnel in immigration law enforcement¹⁴ and increase the number of people identified for removal,¹⁵ including targeting legal permanent residents,¹⁶ fail to provide adequate procedural protections, including against racial profiling and discrimination. Overtly violent and punitive state programs, like Texas' Operation Lone Star,¹⁷ enmesh local law enforcement in federal immigration operations and dismantle procedural protections for basic due process and civil rights.¹⁸

6. In its 2020 national UPR report, the US incorrectly claimed its use of immigration detention is "in accordance with its law, policy, and *international obligations*."¹⁹ The Biden administration continued previous administrations' policies of detaining large numbers of immigrants—between 20,000 to 40,000 people on any given day since 2020.²⁰ In 2025, the Trump administration increased immigration detention by issuing an Executive Order calling for "detaining, to the maximum extent authorized by law, aliens apprehended ... until such time as they are removed from the United States."²¹ It has also begun re-opening detention centers where immigrant families with children will be incarcerated.²²

7. These policies do not align with international standards requiring states to minimize their use of immigration detention. For example, the UN Working Group on Arbitrary

¹³ Alison Leal Parker, "Trump's Executive Orders Promise Systemic Detentions and Deportations," commentary, Human Rights Watch dispatch, January 23, 2025, <https://www.hrw.org/news/2025/01/23/trumps-executive-orders-promise-systemic-detentions-deportations>.

¹⁴ Executive Order, "Protecting the American People Against Invasion," January 20 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>, (accessed March 10, 2025); Human Rights Watch, "Ten Harmful Trump Administration Immigration and Refugee Policies,"

¹⁵ Executive Order, "Protecting the American People Against Invasion," The White House, January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> (accessed April 1, 2025); Human Rights Watch, "Trump's Executive Orders Promise Systemic Detentions and Deportations".

¹⁶ Michelle Watson et al., "Palestinian activist Mahmoud Khalil will remain in ICE detention in Louisiana after first court hearing," *CNN*, March 12, 2025, <https://www.cnn.com/2025/03/12/us/mahmoud-khalil-trump-columbia-university/index.html> (accessed April 1, 2025).

¹⁷ Human Rights Watch, "US: Texas Vehicle Pursuits Kill at Least 106, Injure 301," February 13, 2025, <https://www.hrw.org/news/2025/02/13/us-texas-vehicle-pursuits-kill-least-106-injure-301>, (accessed March 10, 2025).

¹⁸ Human Rights Watch, "Operation Lone Star: Driver Prosecutions," July 23, 2024, <https://www.hrw.org/news/2024/07/23/operation-lone-star-driver-prosecutions-immigrants-and-smuggling-texas>, (accessed March 10, 2025).

¹⁹ Report of the United States of America to the UN Human Rights Council, A/HRC/WG.6/36/USA/1 (2020), <https://www.state.gov/wp-content/uploads/2020/11/US-report-on-UPR-13-Aug-2020.pdf> (accessed March 3, 2025), p. 91 (emphasis added).

²⁰ TRAC, "Immigration Detention Statistics: A Retrospective and a Look Forward," report, February 21, 2025, <https://tracreports.org/reports/753/> (accessed March 10, 2025).

²¹ Executive Order, "Protecting the American People Against Invasion".

²² Alejandro Serrano, "Feds are Opening More Detention Centers in Texas as Trump Administration Steps up Deportations," *Texas Tribune*, March 14, 2025, <https://www.texastribune.org/2025/03/14/texas-immigration-migrant-detention-centers/> (accessed April 1, 2025).

Detention has called for immigration detention to be gradually abolished,²³ and the Global Compact on Safe, Orderly and Regular Migration, adopted by the UN General Assembly in 2018, says it should be used “only as a last resort.”²⁴ In its final year, the Biden administration held nearly 40,000 people in immigration detention centers,²⁵ a number the current Trump administration seeks to increase to 110,000 people, according to a January 2025 memo.²⁶

8. For decades, HRW has documented how hundreds of thousands²⁷ of people in US immigration detention are subjected to abusive treatment,²⁸ substandard medical care,²⁹ and solitary confinement.³⁰ The second Trump administration has announced plans to use military facilities to detain immigrants, including the Guantanamo Bay Naval Detention facility, where some Venezuelans reported abusive treatment while in custody.³¹

9. Under the first Trump administration, the US government used immigration law to deliberately separate thousands of children from their families.³² The government’s refusal, for weeks, to tell parents where their children were meets the definition of enforced disappearance.³³ These separations may have constituted torture, the intentional infliction of severe suffering for an improper purpose by a state agent.³⁴ There has been no accountability for these abuses, and while the government has

²³ Human Rights Watch, ACLU, NIJC, Justice Free Zones: U.S. Immigration Detention Under the Trump Administration (New York: Human Rights Watch, 2020),

https://www.hrw.org/sites/default/files/supporting_resources/justice_free_zones_immigrant_detention.pdf.

²⁴ United Nations General Assembly, Resolution 73/195, “Global Compact on Safe and Orderly and Regular Migration,” A/RES/73/195 (2019) <https://www.iom.int/resources/global-compact-safe-orderly-and-regular-migration-res-73-195> (accessed March 10, 2025).

²⁵ TRAC, “Immigration Detention Statistics.”

²⁶ “Immigrant Detention Beds may be Maxed out as Trump Moves to Deport ‘Millions and Millions,’” *Associated Press*, January 24, 2025, <https://www.ap.org/news-highlights/spotlights/2025/immigrant-detention-beds-may-be-maxed-out-as-trump-moves-to-deport-millions-and-millions/> (accessed March 10, 2025).

²⁷ See US Immigration and Customs Enforcement, “Detention Statistics,” <https://www.ice.gov/detain/detention-management> (accessed March 10, 2025).

²⁸ Human Rights Watch, ACLU, NIJC, “Justice Free Zones,” 2020.

²⁹ Human Rights Watch, *Code Red: Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>.

³⁰ Abbey Koenning-Rutherford and Olivia Ensign, “The US Should End Solitary Confinement of Immigrants,” commentary, Human Rights Watch dispatch, July 29, 2024, <https://www.hrw.org/news/2024/07/29/us-should-end-solitary-confinement-immigrants>.

³¹ Silvia Foster-Frau and Ana Vanessa Herrero, “Invasive Frisks, Suicide Attempts: Three Migrants Describe Guantánamo Detention,” *Washington Post*, February 25, 2025, <https://www.washingtonpost.com/immigration/2025/02/25/guantanamo-trump-migrants-deportations-venezuela/> (accessed March 10, 2025); See also Human Rights Watch, “US: Don’t Send Migrants to the Black Hole of Guantánamo,” Human Rights Watch news release, <https://www.hrw.org/news/2025/01/30/us-dont-send-migrants-black-hole-guantanamo>.

³² Human Rights Watch, “We Need to Take Away Children:” *Zero Accountability Six Years After Zero Tolerance* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/12/16/we-need-take-away-children/zero-accountability-six-years-after-zero-tolerance>.

³³ Ibid.

³⁴ Ibid.

reunited some of these families, as many as 1,360 children remain separated.³⁵

10. Recommendations:

- Withdraw all executive orders, regulations, and policies relating to immigration promulgated since January 2025;
- Ensure fair treatment under the law, including the due process rights of immigrants during all immigration processes;
- Cease detaining child migrants, use alternatives to immigration detention, and ensure accountability for abuses in all detention facilities under the control of US authorities;
- Ensure protection against return to harm in countries of origin or in any country to which people deported by the US are sent;
- End the use of expedited removal procedures at the border and in the interior of the US.

Policing, Incarceration, and Criminalization

11. In its last UPR cycle, the US supported recommendations to reform its criminal legal system, including reducing harsh sentencing, police violence, and racial discrimination.³⁶

12. The US remains among the world's leaders in incarceration, its prisons and jails disproportionately filled with people of color, with only modest reductions in racial disparities and total numbers incarcerated.³⁷ There is an emerging trend towards increased punitiveness, as evidenced by the state of California rolling back successful decarceration reforms with the passage of Proposition 36.³⁸ Some states continue to punish children as they would adults, including with life sentences, foregoing

³⁵ Ibid.

³⁶ Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States of America, Addendum, A/HRC/46/15/Add.1 (2021), <https://docs.un.org/en/A/HRC/46/15/Add.1> (accessed March 10, 2025), paras. 6 (Recs. 134, 135, 142, 220, 223, 225-228, 230, 232-236, 249, 250, 256-260, 262, 270, 271), 9 (Recs. 218, 221, 237, 241, 247, 252, 253, 263), and 10 (Rec. 251).

³⁷ Human Rights Watch, "A Human Rights Guide to the 2024 US Elections," Human Rights Watch news release, February 7, 2024, <https://www.hrw.org/news/2024/02/07/human-rights-guide-2024-us-elections>; Wendy Sawyer and Peter Wagner, "Mass Incarceration: The Whole Pie 2025," report, *Prison Policy Initiative*, March 11, 2025, <https://www.prisonpolicy.org/reports/pie2025.html> (accessed March 12, 2025).

³⁸ Human Rights Watch, et al., "Proposition 36: A Misleading Bipartisan Push with No Real Public Safety Benefit," Human Rights Watch letter, September 12, 2024, <https://www.hrw.org/news/2024/09/12/proposition-36-misleading-bipartisan-push-no-real-public-safety-benefit>; Human Rights Watch, "US: Trump Term Begins After Year of Rights' Backsliding," Human Rights Watch news release, January 16, 2025, <https://www.hrw.org/news/2025/01/16/us-trump-term-begins-after-year-rights-backsliding>.

rehabilitation through juvenile processes.³⁹

13. The criminal legal system, including police, courts, and penal institutions, subjects people of color and those living in poverty to systemic human rights violations, as shown by the extreme racial disproportion of those incarcerated, facing police violence, and criminalized for offenses inextricably linked to the experience of poverty.⁴⁰ There has been little progress improving racial disparities and it is likely the situation will worsen under the Trump administration's policy approaches.⁴¹

14. HRW documented extreme disparities in policing towards Black people and people with low incomes in Tulsa as an example of US policing, finding little accountability for misconduct and hugely disproportionate exposure to police violence, detentions, searches, and arrests for Black people, layered on top of a failure to ensure their human right to an adequate standards of living.⁴²

15. Despite mass demonstrations in 2020 against police violence, Congress passed no meaningful reforms and few local or state jurisdictions took affirmative steps.⁴³ Police killings increased, with Black people disproportionately killed.⁴⁴ The new Trump administration is ending the Department of Justice's limited efforts at police oversight.⁴⁵

³⁹ Human Rights Watch, *"Kids You Throw Away": New Jersey's Indiscriminate Prosecution of Children as Adults*, (New York: Human Rights Watch, 2025), <https://www.hrw.org/report/2025/02/11/kids-you-throw-away/new-jerseys-indiscriminate-prosecution-children-adults>; Human Rights Watch, "No US State Meets Child Rights Standards," Human Rights Watch news release, September 7, 2023, <https://www.hrw.org/news/2023/09/07/no-us-state-meets-child-rights-standards>.

⁴⁰ See UPR of United States of America (3rd Cycle—36th Session): Thematic list of recommendations, https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Flib-docs%2FHRBodies%2FUPR%2FDocuments%2Fsession36%2FUS%2FUPR36_United_States_of_America_Thematic_List_of_Recommendations.docx&wdOrigin=BROWSELINK (accessed March 11, 2025), Recommendations Nos. 110—114, 137, 142, 232, 234, 239, 264; See also, Human Rights Watch, *"You Have to Move!" The Cruel and Ineffective Criminalization of Unhoused People in Los Angeles*, (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/08/14/you-have-move/cruel-and-ineffective-criminalization-unhoused-people-los-angeles>.

⁴¹ Human Rights Watch, "US: Trump Term Begins After Year of Rights' Backsliding."

⁴² See UPR of United States of America (3rd Cycle—36th Session): Thematic list of recommendations, Recommendations Nos. 26.114, 26.120, 26.121, 26.131, 26.133, 26.219, 26.220, 26.222--26.225, 26.227, 26.228, 26.230, 26.232, 26.236, 26.283-285; Human Rights Watch, *"Get on the Ground!": Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma*, (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/09/12/get-ground-policing-poverty-and-racial-inequality-tulsa-oklahoma/case-study-us>.

⁴³ Human Rights Watch, "US: Address Structural Racism Underlying Protests," Human Rights Watch news release, June 2, 2025, <https://www.hrw.org/news/2020/06/02/us-address-structural-racism-underlying-protests>.

⁴⁴ "Fatal Force," *Washington Post*, December 31, 2024, <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>, (accessed March 10, 2025); Olivia Ensign, "Killing of Tyre Nichols Shows Structural Problems in US Policing," commentary, Human Rights Watch dispatch, January 27, 2023, <https://www.hrw.org/news/2023/01/27/killing-tyre-nichols-shows-structural-problems-us-policing>.

⁴⁵ Glenn Thrush, "Justice Department Orders a Halt to Civil Rights Work," *New York Times*, January 22, 2025, <https://www.nytimes.com/2025/01/22/us/politics/justice-department-civil-rights-work.html> (accessed March 10, 2025); See UPR of United States of America (3rd Cycle—36th Session): Thematic list of recommendations, Recommendations Nos. 26.218, 26.247, 26.251, 26.253, 26.254.

16. Policing is a central element of the US response to many societal problems related to economic inequality and injustice. National, state, and local governments fail to meet the human right to housing, and houselessness and housing instability remain rampant.⁴⁶ Governments then pass laws banning sleeping, resting, or otherwise existing in public spaces, and deploy police to enforce them.⁴⁷ In 2024, the Supreme Court overturned a ruling requiring authorities to offer shelter before enforcing these laws, instead allowing local jurisdictions to criminalize without restraint.⁴⁸ In Los Angeles, which has the US' highest concentration of unhoused people and where historic and current discrimination have made that population disproportionately Black, 38 percent of tickets and arrests combined were of unhoused people, often for simply being in public or doing daily survival activities that would be legal indoors.⁴⁹ President Trump has spoken in favor of placing unhoused people in newly-constructed "tent cities" where their "problems would be identified."⁵⁰ This was, in essence, a proposal to detain homeless people and subject them to forced treatment.

17. Recommendations:

- End policy approaches that use policing and criminalization as the primary response to social problems that are a function of poverty and other economic injustices. Invest in public services and social protection that help improve quality of life for everyone, including those experiencing poverty;
- Refrain from passing unjustifiably punitive laws, and repeal laws that criminalize poverty;
- Develop consistent, effective police accountability mechanisms;

⁴⁶ Human Rights Watch, *"You Have to Move!"*; See UPR of United States of America (3rd Cycle—36th Session): Thematic list of recommendations, Recommendations Nos. 26.286, 26.287; and Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States of America, Addendum, Para. 12 (26.286, 26.287, 26.255, 26.284) and 13 (26.289).

⁴⁷ Human Rights Watch, *"You Have to Move!"*

⁴⁸ Ibid., John Raphling (Human Rights Watch), "Destroying Encampments Isn't a Solution to Houselessness," *Progressive Magazine*, September 13, 2024, <https://www.hrw.org/news/2024/09/13/destroying-encampments-isnt-solution-houselessness> (accessed March 11, 2025); "Criminalizing People Living in the Streets Doesn't Work," *Hill*, May 26, 2024, <https://www.hrw.org/news/2024/05/26/criminalizing-people-living-street-doesnt-work> (accessed March 11, 2025).

⁴⁹ Human Rights Watch, *"You Have to Move!"*

⁵⁰ Ibid.; Donald J. Trump, Truth Social, posted April 18, 2023, <https://truthsocial.com/@realDonaldTrump/posts/110221904819759328> (accessed March 11, 2025).

- Cease prosecuting children in adult court;
- Uphold human rights to adequate standards of living, including the right to housing.

Coercive Mental Health Treatment

18. Many US jurisdictions do not uphold the right to the highest attainable standard of physical and mental health, instead imposing expansive forced treatment regimes.⁵¹ Free and informed consent, including the right to refuse treatment, is a core element of the right to health. Allowing “substitute decision-makers,” including judges, to decide individuals’ health care infringes on personal autonomy and may deny people their right to legal capacity.⁵²

19. The state of California passed several laws expanding coercive, involuntary mental health treatment, particularly targeting unhoused people. One, SB 43, vastly increases exposure to conservatorships that deny personal autonomy over life decisions and allow for detention and forced medication.⁵³ California established a new system called CARE Court, which allows police, family members, and others to petition the court to force a person into a treatment plan that can include involuntary care, medication, and shelter.⁵⁴ Failure to obey the CARE plan can create a presumption that the person qualifies for conservatorship.⁵⁵

20. New York City similarly expanded coercive and involuntary treatment mechanisms. In 2022, Mayor Eric Adams empowered police and emergency service providers to detain for clinical evaluation unhoused community members they perceive to have mental

⁵¹ Samer Muscati and Olivia Ensign, “Championing Support Over Coercion on World Mental Health Day,” commentary, Human Rights Watch, October 10, 2024, <https://www.hrw.org/news/2024/10/10/championing-support-over-coercion-world-mental-health-day> (accessed March 11, 2025).

⁵² UN Human Rights Council, Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental health, ¶ 63, U.N. Doc. A/HRC/35/21 (2017); See also Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, 2515 U.N.T.S. 3 U.N. Doc. A/RES/61/106 (2006), entered into force May 3, 2008, art. 12, 25; Committee on the Rights of Persons with Disabilities, General Comment No. 1, Article 12: Equal recognition before the law, U.N. Doc. CRPD/C/GC/1 (Mar. 31-April 11, 2014), p. 7, 31, 41.

⁵³ Human Rights Watch, “Human Rights Watch’s Opposition to SB 43: Letter to California Assembly Appropriations Committee,” Human Rights Watch letter, August 7, 2023, <https://www.hrw.org/news/2023/08/07/human-rights-watches-opposition-sb-43>.

⁵⁴ Human Rights Watch, “Public Comment on Proposed Rules and Forms for CARE Act,” Human Rights Watch letter, January 26, 2023, <https://www.hrw.org/news/2023/01/26/public-comment-proposed-rules-and-forms-care-act>; “Human Rights Watch Amicus Letter in Disability Rights California v. Gavin Newsom,” Human Rights Watch letter, February 17, 2023, <https://www.hrw.org/news/2023/02/17/human-rights-watch-amicus-letter-disability-rights-california-v-gavin-newsom>.

⁵⁵ Human Rights Watch, “Human Rights Watch Urges a No Vote on CARE Court (SB 1338),” Human Rights Watch letter, August 15, 2022, <https://www.hrw.org/news/2022/08/15/human-rights-watch-urges-no-vote-care-court-sb-1338>.

health conditions, based on vague assessments of inability to meet “basic living needs,” even if they pose no risk to others.⁵⁶

21. Despite this trend towards coercive responses to mental health conditions, there are more than 150 crisis response programs across the US that rely on trained peers and mental health professionals instead of police as first responders.⁵⁷ These rights-respecting and community-based alternatives may effectively divert community members from coercive systems of care and from the criminal legal system.⁵⁸

22. Recommendations:

- Cease prioritizing institutionalization, forced treatment, and coercive care and promote free, voluntary, community-based, and culturally appropriate services;
- Create crisis response structures independent of police.

Failure to Address Systematic Racial Discrimination

23. During its previous UPR cycle, the US supported recommendations to combat systemic racial discrimination.⁵⁹ Over the past four years, it has failed to do so and, in many ways, has further entrenched that discrimination.

24. The US has never fully atoned for harms caused by slavery and its legacies, despite calls for reparations since the end of the Civil War.⁶⁰

⁵⁶ Olivia Ensign and Shantha Rau Barriga, “New York Mayor Targets Unhoused Communities,” commentary, Human Rights Watch dispatch, December 2, 2022, <https://www.hrw.org/news/2022/12/02/new-york-mayor-targets-unhoused-communities>; New York City Policy, “Mental Health Involuntary Removals,” November 28, 2022, <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Mental-Health-Involuntary-Removals.pdf> (accessed March 19, 2025).

⁵⁷ Human Rights Watch and New York Lawyers for the Public Interest, “Letter to the New York Daniel’s Law Task Force,” Human Rights Watch letter, <https://www.nylpi.org/wp-content/uploads/2024/01/HRW-NYLPI-List-of-MHCR-Models-for-DL-Taskforce-Cover-Letter.pdf>.

⁵⁸ Human Rights Watch, “Mental Health Crisis Support Rooted in Community,” Human Rights Watch news release, November 15, 2023, <https://www.hrw.org/news/2023/11/15/mental-health-crisis-support-rooted-community>.

⁵⁹ Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States of America, Addendum, Para. 6, Rec. Nos. 26.89, 26.111, 26.112, 26.116, 26.118, 26.121-123, 26.125, 26.126, 26.136, 26.139, 26.140, 26.144, and 26.284.

⁶⁰ Human Rights Watch, “H.R. 40: Exploring the Path to Reparative Justice in America,” Human Rights Watch commentary, February 17, 2021, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america>.

25. In 2021, Congress held hearings on reparations, however no further actions followed.⁶¹ It has not even passed H.R. 40, a bill first introduced in 1989, to create an expert commission to study how failure to repair injuries stemming from slavery led to large socioeconomic racial disparities and further solidified structural racism.⁶²

26. Several states and municipalities have made progress on reparations. In 2023 and 2024, respectively, New York and California passed their own study commission bills.⁶³ Washington adopted an anti-housing discrimination bill intended to address past racial harms. Municipalities in several states have taken steps to promote reparations and close the racial wealth gap.⁶⁴

27. In 2024, the Oklahoma Supreme Court dismissed a lawsuit brought by the last two survivors of the 1921 Tulsa Race Massacre.⁶⁵ Calling the decision a miscarriage of justice, the survivors requested a federal investigation, which was completed in January 2025.⁶⁶ The report recognized the horrific atrocities but provided no avenue for remedy.⁶⁷

⁶¹ Ibid.; Human Rights Watch, et al., "At Start of Black History Month, Over 350 Groups Urge US House Leadership to Back H.R. 40," Human Rights Watch letter, February 4, 2022, <https://www.hrw.org/news/2022/02/04/start-black-history-month-over-350-groups-urge-us-house-leadership-back-hr-40>.

⁶² Human Rights Watch, et al., "At Start of Black History Month, Over 350 Groups Urge US House Leadership to Back H.R. 40."

⁶³ New York State Senate, Senate Bill S1163A, 2023-2024 Legislative Session, <https://www.nysenate.gov/legislation/bills/2023/S1163/amendment/A> (accessed March 12, 2025); Sophie Austin, "Reparations proposals for Black Californians advance to state Assembly," *AP News*, May 21, 2024, <https://apnews.com/article/california-reparations-slavery-discrimination-ec3e2ee7b80e4da23c25a7e9490acc0c> (accessed March 12, 2025).

⁶⁴ Aaron Allen, "Olympia Mayor Pushes for Reparations Study in Washington," *Seattle Medium*, November 21, 2024, <https://seattlemedium.com/olympia-mayor-reparations-resolution/> (accessed March 12, 2025); Shawna Mizelle, "North Carolina city votes to approve reparations for Black residents," *CNN*, July 15, 2020, <https://www.cnn.com/2020/07/15/us/north-carolina-asheville-reparations/index.html> (accessed March 12, 2025); Char Adams, "Evanston is the first U.S. city to issue slavery reparations. Experts say it's a noble start," *NBC News*, March 26, 2021, <https://www.nbcnews.com/news/nbcblk/evanston-s-reparations-plan-noble-start-complicated-process-experts-say-n1262096> (accessed March 12, 2025); Jashayla Pettigrew, "Washington Gov. Jay Inslee signs 'first-in-the-nation statewide reparations bill,'" *KOIN*, May 16, 2023, <https://www.koin.com/news/politics/washington-gov-jay-inslee-signs-first-in-the-nation-statewide-reparations-bill/> (accessed March 12, 2025).

⁶⁵ Human Rights Watch, *World Report 2025*, United States chapter; "US: Failed Justice 100 Years After Tulsa Race Massacre," Human Rights Watch news release, May 21, 2021, <https://www.hrw.org/news/2021/05/21/us-failed-justice-100-years-after-tulsa-race-massacre>.

⁶⁶ Alexandra Sharfman, "Attorney for Tulsa Massacre survivors seeks federal investigation after lawsuit dismissal," *News Channel 8*, September 18, 2024, <https://ktul.com/news/local/attorney-for-tulsa-massacre-survivors-seeks-federal-investigation-after-lawsuit-dismissal-massacre-victims-remains-identity-dna-legal-battle-justice-restitution-lawsuit-oklahoma-supreme-court-ruling-biden-harris-administration> (accessed March 12, 2025).

⁶⁷ U.S. Department of Justice, Justice Department Announces Results of Review and Evaluation of the Tulsa Race Massacre, DOJ Archives, January 10, 2025, <https://www.justice.gov/archives/opa/pr/justice-department-announces-results-review-and-evaluation-tulsa-race-massacre> (accessed March 12, 2025).

28. A concerted movement has grown in the US to prevent educating students about structural racism. Since 2021, 44 states have introduced bills or taken steps toward restricting the teaching of so-called “critical race theory”, banning books, or censoring classroom discussions of race, sexuality, and gender.⁶⁸ For example, the states of Florida and Oklahoma passed laws that effectively prohibit educators from teaching Black, Brown, and Indigenous history because it may make white children uncomfortable with their predecessors’ actions.⁶⁹ These laws and policies prevent schools from proactively teaching the root causes of systemic racism and make addressing societal disparities less likely in the future.

29. The US racial wealth gap remains stark, with Black families possessing 24 cents and Hispanic families 23 cents for every 1 dollar of white family wealth.⁷⁰ This disparity has changed very little over the last 50 years. Numerous studies show the need for drastic economic interventions to address this gap and the continuing racial disparities in access to adequate health, nutrition, education, employment, and housing.⁷¹ Reparations could play an important part in those larger interventions.

30. Racism profoundly effects maternal health.⁷² Black and Indigenous people are three times more likely to die from pregnancy-related causes than [w]hite people.⁷³ For example, regions in Florida have excellent medical facilities but poor health outcomes for Black women and newborns; these discrepancies are reflected throughout the rest of

⁶⁸ Sarah Schwartz, “Map: Where Critical Race Theory is Under Attack,” *Education Week*, January 31, 2025, <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06> (accessed March 12, 2025).

⁶⁹ Human Rights Watch, “Why Do They Hate Us So Much?” *Discriminatory Censorship Laws Harm Education in Florida* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/06/19/why-do-they-hate-us-so-much/discriminatory-censorship-laws-harm-education-florida>; Adrian Florido, “Oklahoma restricted how race can be taught. So these Black teachers stepped up,” *Houston Public Media*, November 22, 2023, <https://www.houstonpublicmedia.org/npr/2023/11/22/1210081145/oklahoma-restricted-how-race-can-be-taught-so-these-black-teachers-stepped-up/> (accessed March 12, 2025).

⁷⁰ Human Rights Watch, *World Report 2024* (New York: Human Rights Watch, 2024), United States chapter, <https://www.hrw.org/world-report/2024/country-chapters/united-states>.

⁷¹ Citi GPS, “Closing the Racial Inequality Gaps: The Economic Cost of Black Inequality in the U.S,” report, September 2020, https://ir.citi.com/NvIUkIHPilz14Hwd3oxqZBLMn1_XPqo5FrxsZD0x6hhi84ZxaxEuJUWmak51UHvYk75VKeHCMI%3D (accessed March 12, 2025); Rashawn Ray and Andre M. Perry, “Why we need reparations for Black Americans,” report, *Brookings Institution*, April 15, 2020, <https://www.brookings.edu/articles/why-we-need-reparations-for-black-americans/> (accessed March 10, 2025); Human Rights Watch, “H.R. 40: Exploring the Path to Reparative Justice in America.”

⁷² Katy B. Kozhimannil et al., “Severe Maternal Morbidity and Mortality Among Indigenous Women in the United States,” *Obstet Gynecol*, vol 135(2) (2020), pp. 294–300, January 9, 2020, doi: 10.1097/AOG.0000000000003647 (accessed March 12, 2025).

⁷³ Ibid.

the country.⁷⁴ The impacts of interpersonal and systemic racism and the cost barriers created by the US' predominantly for-profit health care system play a huge part in health inequities.⁷⁵

31. Racial and ethnic minorities are disproportionately exposed to environmental hazards due to historical marginalization or institutional factors. Studies suggest higher-than-normal temperatures have more adverse effects on birth outcomes for Black mothers compared to white mothers, caused in part by structural, institutional, and systemic racism embedded in housing and city planning.⁷⁶

32. Pollutants from industrial operations disproportionately harm frontline communities of color and low-income communities, as they are more likely to live near industrial facilities and to be exposed to their emissions.⁷⁷ In Louisiana, for example, fossil fuel operations disproportionately impact Black residents, who face elevated risks of cancer; reproductive, maternal, and newborn health harms; and respiratory ailments.⁷⁸

33. Toxic environmental factors can have both sudden and long-term impacts on communities. In 2014, the city of Flint, Michigan switched its water source from the Detroit Water and Sewage Department to the lead-contaminated Flint River to cut expenses, poisoning thousands of people, including 9,000 children, in mostly Hispanic and Black communities.⁷⁹ Ten years later, the toxic lead exposure has not been fully corrected, and the victims continue to experience its unmitigated effects while grappling with the lack of supportive services for adults and school-aged children.⁸⁰

⁷⁴ Human Rights Watch, *Witness, Ally, Advocate, Climate Worker: Doula Care for Justice in Maternal Health in Florida* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/10/16/witness-ally-advocate-climate-worker/doula-care-justice-maternal-health-florida>.

⁷⁵ *Ibid.*

⁷⁶ Human Rights Watch, *Reproductive Rights in the US Wildfire Crisis: Insights from Health Workers in Oregon State* (New York: Human Rights Watch, 2024) <https://www.hrw.org/report/2024/08/21/reproductive-rights-us-wildfire-crisis/insights-health-workers-oregon-state>.

⁷⁷ Department of Ecology, Toxics Release Inventory (TRI) reporting, State of Washington, <https://ecology.wa.gov/regulations-permits/reporting-requirements/emergency-planning-community-right-to-know-act/toxics-release-inventory> (accessed March 12, 2025).

⁷⁸ Human Rights Watch, "'We're Dying Here': The Fight for Life in a Louisiana Fossil Fuel Sacrifice Zone" (New York: Human Rights Watch, 2024) <https://www.hrw.org/report/2024/01/25/were-dying-here/fight-life-louisiana-fossil-fuel-sacrifice-zone>.

⁷⁹ Melissa Denchak, "Flint Water Crisis: Everything You Need to Know," *NRDC*, October 8, 2024, <https://www.nrdc.org/stories/flint-water-crisis-everything-you-need-know> (accessed March 12, 2025).

⁸⁰ Bria Nelson (Human Rights Watch) and Dionna Brown, "Ten Years Later, Flint Still Doesn't Have Clean Water," commentary, *Newsweek*, May 20, 2024, <https://www.hrw.org/news/2024/05/20/ten-years-later-flint-still-doesnt-have-clean-water>; Priyanka Runwal, "10 years on, Flint still faces consequences from the water crisis," *Chemical & Engineering News*, May 6, 2024, <https://cen.acs.org/environment/water/10-years-Flint-Michigan-still-faces-consequences/102/i14> (accessed March 12, 2025).

34. Recommendations:

- Create a reparations study commission bill and follow recommendations;
- Codify the right to teach accurate history about past and present racial discrimination;
- Implement moratoria on new or expanded fossil fuel operations and begin phase-out of existing operations;
- Support communities who suffer health harms from exposure to fossil fuel operations;
- Educate medical professionals about racism in health care and how to prevent disparate outcomes.

Lesbian, Gay, Bisexual, and Transgender Rights

35. During its last UPR cycle, the US committed to “fully implement laws” to prohibit discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.⁸¹ However, instead of advancing protections, the US has enacted policies that reinforce anti-LGBT discrimination.

36. President Trump issued an executive order disclaiming recognition of gender identity under federal law and instructing agencies to roll back key protections for transgender people, jeopardizing their access to education, healthcare, and other federally funded services.⁸²

37. President Trump ordered federal agencies to withhold funding for gender-affirming care for transgender youth.⁸³ Twenty-seven US states have already enacted some form of ban on gender-affirming care.⁸⁴ These policies severely limit access to medical treatment, worsening existing barriers to care and putting transgender youth at

⁸¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States of America, Addendum, Para. 6 (26.146-148).

⁸² Ryan Thoreson, “Trump Administration Moves to Reject Transgender Identity Rights,” commentary, Human Rights Watch dispatch, January 23, 2025, <https://www.hrw.org/news/2025/01/23/trump-administration-moves-reject-transgender-identity-rights>.

⁸³ Human Rights Watch, “US Trans Youths’ Access to Lifesaving Care Under Threat,” Human Rights Watch news release, February 3, 2025, <https://www.hrw.org/news/2025/02/03/us-trans-youths-access-lifesaving-care-under-threat>.

⁸⁴ Movement Advancement Project, “Bans on Best Practice Medical Care for Transgender Youth,” https://www.lgbtmap.org/equality-maps/healthcare_youth_medical_care_bans (accessed March 6, 2025)

increased risk of harm.⁸⁵

38. The Trump administration ordered federal agencies to withhold funding from primary and secondary schools that engage in the vaguely defined promotion of what it calls “gender ideology.”⁸⁶ Several US states have already enacted discriminatory laws restricting LGBT-inclusive curricula,⁸⁷ mandated forced “outing” policies,⁸⁸ or imposed restrictions on transgender students’ use of bathrooms and participation in sports.⁸⁹

39. The Trump administration has reinstated discriminatory policies that bar transgender individuals from military service.⁹⁰

40. In the last UPR cycle, the US agreed to strengthen measures to combat violence against LGBT individuals, particularly trans women of color.⁹¹ However, Black transgender women remain disproportionately victims of homicide.⁹² Further, President Trump has ordered transgender people in federal detention be housed according to their sex assigned at birth, placing them at increased risk of physical and sexual violence.⁹³

41. Recommendation:

- Enact comprehensive state and federal legislation prohibiting discrimination based on sexual orientation and gender identity;

⁸⁵ Yasemin Smallens (Human Rights Watch), “An Urgent Call to Protect Gender-Affirming Care,” commentary, *Advocate*, May 22, 2024, <https://www.hrw.org/news/2024/05/22/urgent-call-protect-gender-affirming-care>.

⁸⁶ Executive Order, “Ending Radical Indoctrination in K-12 Schooling,” The White House, January 29, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-indoctrination-in-k-12-schooling/> (accessed March 6, 2025).

⁸⁷ Human Rights Watch, “*Why Do They Hate Us So Much?*”

⁸⁸ Yasemin Smallens (Human Rights Watch), “School Officials Should Protect Trans Youth, Not Out Them,” commentary, *Progressive*, May 10, 2024, <https://www.hrw.org/news/2024/05/10/school-officials-should-protect-trans-youth-not-out-them>.

⁸⁹ Ryan Thoreson (Human Rights Watch), “Indiana Lawmakers Are Making Life Worse for LGBTQ Youth,” commentary, *Herald-Times*, March 14, 2022, <https://www.hrw.org/news/2022/03/14/indiana-lawmakers-are-making-life-worse-lgbtq-youth>; Yasemin Smallens, “Oklahoma’s Bathroom Ban Will Endanger Transgender Children,” commentary, Human Rights Watch dispatch, May 24, 2022, <https://www.hrw.org/news/2022/05/24/oklahomas-bathroom-ban-will-endanger-transgender-children>.

⁹⁰ Executive Order, “Prioritizing Military Excellence and Readiness,” The White House, January 27, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/prioritizing-military-excellence-and-readiness/> (accessed March 6, 2025).

⁹¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States of America, Addendum, para. 6 (26.148).

⁹² Human Rights Campaign, “Fatal Violence Against the Transgender and Gender Expansive Community in 2024,” report, 2024, <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-expansive-community-in-2024> (accessed March 6, 2025); Human Rights Watch, “*I Just Try to Make It Home Safe*: Violence and Human Rights of Transgender People in the United States (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/11/18/i-just-try-make-it-home-safe/violence-and-human-rights-transgender-people-united>.

⁹³ Ryan Thoreson (Human Rights Watch), “Trump Administration Moves to Reject Transgender Identity Rights.”

- Repeal state bans on gender-affirming care, and adopt policies to ensure it is accessible;
- Rescind discriminatory laws and policies in schools and promote inclusive curricula;
- Rescind the transgender military service ban;
- Address conditions that put transgender people at risk of violence, including in state custody, and ensure survivors can access necessary resources consistent with their gender identity.