

1. Since January 2025, the United States (US) has seen significant shifts in its human rights commitments. While the Biden administration attempted to restore certain protections and made steps to address the recommendations from the Third Universal Periodic Review (UPR) Cycle, the Trump administration has enacted policies that undermine longstanding safeguards for marginalized communities. Under international law, the US has an obligation not only to maintain existing human rights protections but also to strengthen them over time. Any policy changes that strip away established rights - especially for marginalized communities - violate the principle of non-regression and weaken the country's commitment to its international human rights obligations.
2. We are deeply alarmed by the rollback of fundamental rights under the current US administration. From weakening environmental regulations and protections and withdrawing from international commitments to address climate change, to restricting voting rights and asylum protections, to criminalizing protests and targeting marginalized communities, these attacks undermine human rights and democratic values. Even more concerning is the growing hostility toward those who speak out—activists, journalists, and human rights and environmental defenders face intimidation, surveillance, and repression for holding the government accountable. Dissent is met with retaliation, eroding free expression and the right to peaceful assembly. We stand in solidarity against these authoritarian tactics and demand the protection of fundamental freedoms for all.

Systemic Racism

3. The history of the United States reflects racism and its changing face - from overt legal exclusion to more hidden systemic or structural racism. Today racial discrimination, both overt and unconscious, permeates American society. The list of recommendations offered in the context of the UPR of the US during the Third Cycle reflects this reality since more than 20 recommendations, all supported by the US government, made specific reference to the need to address racism including the need, noted by some, to address systemic racism.ⁱ
4. Systemic and structural racism are pervasive and deeply entrenched in the culture of the US with structural racism embedded in laws and policies while systemic racism being found in the unwritten values, norms, implicit bias and emotional attitudes of the society.ⁱⁱ Both systemic and structural racism are clearly present across the culture, present in education, housing, voting rights and the drawing of electoral maps, among others.
5. Having ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the US has committed to “engage in no act or practice of racial discrimination,” and to review and change any law that would “have the effect of creating or perpetuating racial discrimination.”ⁱⁱⁱ While the US government has taken steps to address this discrimination at different moments, the present administration is reversing many of the policies meant to protect the rights of persons of color. In her letter to Secretary of State Antony Blinken at the end of the Third UPR Cycle, Michelle Bachelet, the United Nations

(UN) High Commissioner for Human Rights, noted that the US had taken steps to “advance racial justice and equity” but also noted the need to address long-standing structural racism.^{iv}

6. In his January 2021 Executive Order on “Advancing Racial Equity,” President Biden noted that disparities in laws, policies and institutions are responsible for inequities and need to be addressed by the government so that every person can reach their full potential.^v In the issue brief which accompanied this Executive Order, there is clear reference to the persistence of racial discrimination in access to housing, employment and loans, noting that such access is limited “even in settings where there are no differences across groups.”
7. A necessary step to dismantling systemic racism and implicit bias is raising awareness of its existence and how it has been embedded in the society over many years. This includes teaching the history of slavery in both primary and secondary schools throughout the country. President Trump’s January 2025 Executive Order on “Ending Racial Indoctrination in K-12 Schooling” promised to withhold federal funding from any school that promotes so-called “discriminatory equity ideology,” removing one needed avenue to dismantle racial bias and acknowledge past harms.^{vi} While education concerning the history of racism in the US may not be sufficient to eliminate all forms of racial discrimination, it is certainly an essential component in dismantling systemic racism.

Housing

8. One area where systemic and structural racism intersect is housing discrimination. In its 2021 report on its compliance with the ICERD,^{vii} the US government noted that the President had instructed the Department of Housing and Urban Development to examine its rules and the effect they had on fair and non-discriminatory access to housing.^{viii}
9. While all explicitly racist policies have been excised at the federal, state and local levels, laws themselves do not change culture or eliminate the implicit bias created by past policies. The historical practice of explicitly excluding persons of color from certain neighborhoods excluded many racialized people from the ability to purchase a house. Since public school systems are funded by local taxes, this, in turn, led to inadequate schools and lack of educational opportunities. The effects of these policies are still felt today.
10. While some say that zoning laws are meant to protect property values and the character of a town or neighborhood, in reality they limit the availability of affordable and equitable housing. As one author noted, land-use laws are based on a “complicated mix of history, politics, and racial dynamics that impact who gets to live where.”^{ix} Yet the government has been complicit in housing segregation caused by racially restrictive agreements and zoning laws. What is required are new policies and new mindsets.^x This can only be accomplished if zoning laws are changed to support affordable housing which should be considered a civil right.^{xi} One example of an effort to change discriminatory zoning practices is California’s Housing and More Efficiency Act, which aims to increase housing supply and reduce housing costs.^{xii}

Voting Rights

11. Structural racism also appears around elections. The US took note of all four recommendations made regarding voting rights, including two that made specific reference to non-discrimination.^{xiii} The US is party to the International Covenant on Civil and Political Rights (ICCPR). It, therefore, has obligations under Article 25 to guarantee voting rights to every citizen and under Article 26 to mandate equality before the law and prohibit discrimination on various grounds, including race.^{xiv} Under ICERD, the US has the obligation to guarantee the right to vote and participate in elections without racial discrimination under Article 5(c).^{xv}
12. Over the years, local governments have established voting districts to guarantee that certain political parties or ethnic groups maintain political power. This practice has diluted or weakened the value of the vote of Black communities, contrary to Section 2 of the Voting Rights Act.^{xvi} The Eighth Circuit Court of Appeals, which has jurisdiction in seven states, removed the right of private citizens or groups to challenge unjust voting practices, saying that only the US Attorney General can bring challenges concerning practices that are discriminatory under this section of the law.^{xvii} The right of individuals or groups to challenge discriminatory voting laws and/or practices must be upheld.^{xviii}
13. In this context, redistricting to give racial minorities a proportional voice in the election of their legislators is essential. In 2024, three Southern states —Louisiana, Alabama, and Georgia —had independent committees redraw voting districts to include two majority-Black districts, which more accurately reflect the demographics of those districts. It has been shown that, when allowed to exercise their voting rights by the enforcement of the Voting Rights Act, the Black population embraces its political voice through its vote.^{xix}
14. **By the next UPR cycle, we recommend that the government of the United States undertake the following actions:**
 - a. **Include in the K-12 educational curriculum the history of slavery, Jim Crow laws and legal exclusion of the Black population from opportunities to own property, access loans and other federal programs open to the White population over the years.**
 - b. **Create a new voting rights enforcement program with the participation of all 93 US Attorney offices to help ensure nationwide enforcement of voting rights laws**
 - c. **Re-establish the 2015 Affirmatively Furthering Fair Housing rule, which required localities that receive federal funds for housing to investigate and address barriers to fair housing and patterns or practices that promote bias.**
 - d. **Pass legislation to assure that voting districts are drawn by independent commissions and not the party in power.**

Maternal Mortality

15. During the previous UPR cycle, the United States supported seven recommendations related to maternal health^{xx} and two that specifically referenced access to healthcare for all women and girls, including those experiencing multiple and intersecting forms of discrimination.^{xxi} Under its obligations to uphold the right to life under Article 6 of the ICCPR, the US must prevent avoidable maternal deaths by ensuring access to essential healthcare services and addressing systemic factors that contribute to high maternal mortality rates, particularly among marginalized communities.^{xxii} The right to non-discrimination in Articles 2 and 26 requires the US to eliminate racial, economic, and geographic disparities in maternal healthcare.^{xxiii} The US is also obligated to eliminate racial disparities in maternal healthcare under its Article 5(iv) commitments to the ICERD.^{xxiv}
16. The US Department of Health and Human Services (HHS) reports that the US has the highest maternal mortality rate among high-income countries. Addressing the maternity care crisis was described as a top priority, with emphasis on supporting safe pregnancies and childbirth, eliminating pregnancy-related health disparities, and improving health outcomes for parents and infants.
17. Data from 13 state Maternal Mortality Review Committees determined that each pregnancy-related death was associated with multiple contributing factors, including lack of access to appropriate and high-quality care, missed or delayed diagnoses, and lack of knowledge among patients and providers around warning signs. Review Committee data also suggested that most deaths – 66% or more – could have been prevented by addressing these factors at multiple levels. The report also claimed that the proportion of deaths that are preventable does not differ by race/ethnicity. This runs counter to data seen below, that shows great health disparities among racial groups in the US.
18. The Centers for Disease Control and Prevention (CDC) National Center for Health Statistics (NCHS) on Maternal Mortality Rates in the US for 2022^{xxv} reports that the maternal mortality rate for Black women was 49.5 deaths per 100,000 live births - significantly higher than rates for White (19.0), Hispanic (16.9), and Asian (13.2) women. These rates had been even worse in 2021, with disruptions in the provision and access to care during the COVID pandemic. These data represent enormous racial disparities and overall higher rates of maternal mortality than in other wealthy countries.
19. Missing from maternal mortality statistics are the many stories of mistreatment and negative experiences of Black women, according to New York Times interviews^{xxvi} in 2023. Many women described having their pain dismissed, concerns ignored, and plans disregarded while giving birth. They recalled walking a fine line between speaking up for themselves but feeling nervous to push too hard. One woman, in pain following an emergency C-section questioned her discharge date, but “I didn’t want to make a scene. If I started yelling or making demands, I know I’d be labeled the ‘angry Black woman.’” She later had to be

treated at another hospital for an infection.

20. A Black obstetrician in Georgia said she treats all her Black patients' pregnancies as high-risk ones because of the well-documented poor outcomes. "There are often excuses for our complaints and our concerns, which are consistently minimized," she said. "I find myself often having to serve more as an advocate than as a physician."
21. Business models in health care also drive broad inequities according to St. Catherine University's nursing and public health program in St. Paul, Minnesota,^{xxvii} noting that the Affordable Care Act (ACA) allowed for more affordable insurance and also more Medicaid eligibility, especially in states that opted to expand their Medicaid programs, thus providing more equitable health care. A report by HHS' Office of the Assistant Secretary for Planning and Evaluation showed the dramatic impact if states extended Medicaid postpartum coverage to 12 months.^{xxviii}
22. The US has proven it has the ability to address and provide for equitable health care as evidenced in the many HHS policies and programs it has initiated, along with removing several structural barriers to health access and quality treatment for all via the creation of ACA insurance platforms and expanded Medicaid coverage.
23. In July 2022, the UN Special Rapporteur on the right to the highest attainable standard of physical and mental health noted that racism continues to manifest itself in poor and preventable health outcomes worldwide, such as glaring disparities in maternal mortality and morbidity, with particularly negative effects on women of African descent.^{xxix} Due to a combination of structurally discriminatory factors, such as poverty, low availability of quality health services, a lack of culturally acceptable health services, as well as direct discrimination, stigmatization and racism within health facilities, they receive an overall lower quality of sexual and reproductive health care.
24. **By the next UPR cycle, we recommend that the government of the United States undertake the following actions:**
 - a. **Break down institutional barriers as the first step to eliminating pervasive racial disparities in health care and improving the outcomes for patients. Listen to and respect minority women's experience vs. wrongly held assumptions or predictions.**
 - b. **Acknowledge racism as a public health threat, due to the structural, systemic and interpersonal forms of racism and bias that exist across all social determinants of health and medical research.**
 - c. **Ensure affordable medical insurance and increase Medicaid eligibility for quality sexual and reproductive services, including maternal prenatal care and postpartum coverage to 12 months.**
 - d. **Fund specific ongoing research into the multiple and intersecting impacts of racism on health and the epidemiological risks associated with being subjected to racism**

throughout one's life.

- e. **Maintain disaggregated data as critical to understanding not only the impacts of racism on health and of structural discrimination on certain communities but also to inform equitable budgeting and expenditures on preventative, curative, and palliative measures.**

Climate Action

25. In its official response to the recommendations made during the Third Cycle of the UPR, the United States stated that addressing “climate change was a core priority for the US.”^{xxx} They supported all five recommendations relating to climate action^{xxxi} and stated their intention to “develop and undertake an ambitious plan to combat the climate crisis.”^{xxxii} The instrument to rejoin the Paris Agreement on Climate Change was deposited with the UN on President Biden’s Inauguration Day.
26. During the last four years, several significant steps were taken by the US administration related to human rights and climate action. Notable among these was the signing into law of the Inflation Reduction Act in August 2022,^{xxxiii} as well as an economic stimulus package relating to COVID-19 that led to an investment surge in clean energy projects and job creation and was said to be ‘climate-smart.’
27. Major initiatives undertaken during the Biden Administration have addressed recommendations related to climate change during the previous UPR cycle,^{xxxiv} developing and strengthening legislative frameworks and addressing the impact of climate policies on human rights.^{xxxv} However, the legislative changes introduced have failed to curb fossil fuel production and the consequent level of emissions. Furthermore, the changes have not addressed the harm experienced by impacted communities. The measures are seen by some analysts as actually increasing the burden on frontline communities.^{xxxvi}
28. An Executive Order issued by Donald Trump in January 2025 withdrew the US from the Paris Climate Agreement for the second time. Other directives issued during the first three months of his presidency rescinded prior Executive Orders issued under the Biden administration that directly impacted human rights, climate and the environment.^{xxxvii}
29. Climate change is a threat multiplier which can exacerbate both economic and political instability.^{xxxviii} It has drastic consequences for basic human rights such as the right to life, food, water, work and housing, especially in low-income countries, often serving as a driver of forced migration. Mounting evidence over the last 15 years supports the contention that climate-related events, such as rising sea levels, the increasing frequency and intensity of extreme weather events in the form of cyclones, hurricanes, floods and prolonged droughts, are forcing millions to leave their homes. The US emits nearly 5 billion tons of carbon per year, contributing to vulnerabilities and rights violations for people domestically and abroad.^{xxxix}

30. **By the next UPR cycle, we recommend that the government of the United States undertake the following actions:**
- a. Re-enter the Paris Agreement, fulfill the climate pledges previously made and strengthen the measures taken to address the climate crisis.**
 - b. Address the specific climate risks and vulnerabilities identified in the US Government 5th National Climate Assessment Report of 2023^{xi} by designing and implementing strategies that promote a just energy transition.**
 - c. Sign and ratify international agreements pertinent to human rights, climate and the environment.^{xli}**
 - d. Consider the risk of forced displacement in any policy designed to address climate change.**
 - e. Design and implement climate mitigation and adaptation plans that address the differential impacts of climate change on socioeconomically disadvantaged communities most impacted by structural discrimination and racism and prioritize equity and environmental justice in the allocation of resources.^{xlii}**

Environmental Racism

31. Environmental racism refers to the disproportionate impact of environmental hazards on people of color and marginalized communities.^{xliii} This can include exposure to pollutants, lack of access to clean water, and inadequate waste disposal facilities. It often results from systemic inequalities and discriminatory practices by businesses in policymaking and enforcement. In her May 2021 letter regarding the Final Outcome Report of the Third UPR Cycle, the UN High Commissioner for Human Rights specifically and clearly called on the United States to protect against human rights abuses by business enterprises.^{xliv}
32. The US supported multiple recommendations related to environmental racism from the Third Cycle. Some issues included enjoyment of human rights by all without discrimination, combating structural discrimination. Others called for a guarantee of equitable access to justice, medical care, and quality education.^{xlv}
33. President Biden issued an Executive Order explicitly focused on “environmental justice for all”^{xlvi} that committed to a government-wide approach to “implementing and enforcing the Nation's environmental and civil rights laws, preventing pollution, addressing climate change and its effects, and working to clean up legacy pollution that is harming human health and the environment.” The Biden Administration opened an office of environmental justice in the Department of Justice^{xlvii} and pledged to ensure that 40% of federal climate, clean energy, affordable and sustainable housing, and other investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution.^{xlviii}

34. In late 2024, the Environmental Protection Agency (EPA) issued a draft framework to consider the cumulative impacts of pollution^{xlix} on communities when considering new industrial projects. Before that, environmental reviews only took into account the harms from a new project, not how it would add to the harmful impacts of previous projects.
35. Many cases in published reports arise from actions by corporations that exposed residents to toxic levels of residue in the air near chemical plants. From one report: “Filings in the Justice Department’s case against chemical corporations Denka and DuPont noted that chloroprene readings at a company air monitor near Reserve, Louisiana, showed an average concentration 14 times higher than the EPA’s 0.2 lifetime exposure threshold between April 2018 and January 2023. It acknowledged a particular risk to children at an elementary school, which sits next to the plant’s fence line, noting that average readings at certain sites could mean those under 16 might surpass the EPA’s excess cancer risk rate within two years of their life.” Since 1968, the chemical plant has discharged neoprene at dangerous levels, threatening the health of the mostly Black, low-income communities that surround it, according to EPA filings.^l
36. The US has recently disregarded numerous injunctions by failing to protect against human rights abuses in several instances in the state of Louisiana. Located alongside the Mississippi River, St. James Parish sits in a region morbidly nicknamed “Cancer Alley” for its prevalence of petrochemical plants—some 200 of them—along an 80-mile stretch of the river. Residential communities—mostly Black—are interspersed among factories, pipelines, and tank farms. The parish has among the highest concentrations of toxic chemicals in the country, with cancer rates found to be 50 times higher than the national average, according to the EPA.^{li}
37. Plastic plants in the region release many environmental toxins, such as formaldehyde and benzene. Local governments welcome such industries for the promise of employment while concerned local citizens mobilize peaceful grassroots opposition to educate residents in the predominantly African American community.
38. These industries can generate one million pounds of liquid hazardous waste annually in a region already contending with known carcinogens and toxic air pollution. For her courageous and sustained efforts to alert her community and impede these projects, Sharon Lavigne, a local African American leader, was awarded the Goldman Environmental Prize for North America for 2021.^{lii}
39. In 2023, the Biden administration regulators determined that chloroprene emissions from the Denka plant were contributing to health concerns in an area with the highest cancer risk of any place in the US. The 2023 lawsuit was among several enforcement actions taken by the EPA on behalf of poor and minority communities that have disproportionately borne the brunt of toxic pollution.

40. In January 2025, President Trump signed an Executive Order titled “Ending Radical and Wasteful Government DEI Programs and Preferencing.”^{liii} Under that order, government agencies and departments would move to terminate all Diversity, Equity, and Inclusion (DEI) and “environmental justice” offices and positions within sixty days. Following on the Order, the Trump administration dropped the federal lawsuit against Denka and Dupont.
41. **By the next UPR cycle, we recommend that the government of the United States undertake the following actions:**
- a. **Retain environmental justice offices and enforce the appropriate sections of the Clean Air Act protecting the thousands of people living near chemical plants, especially plants producing the toxic chemicals chloroprene and ethylene oxide.**
 - b. **Ensure protection against human rights abuses by business enterprises by investigating, sanctioning, and redressing such abuses.**
 - c. **Reverse the March 7, 2025, Justice Department Order that dismissed the lawsuit of the EPA against Denka.**
 - d. **Revoke the Executive Order of January 26, 2025, that directed federal departments to terminate all “environmental justice” offices and positions.**
 - e. **Pass the “Environmental Justice for all Act”^{liv} to remedy the disproportionate harm of pollution and other adverse environmental factors on Black, brown, Native, and low-income communities and ensure robust consultation with nearby communities prior to approval of industrial projects.**

Migration

Access to Asylum

42. After supporting seven recommendations on access to asylum during the Third UPR Cycle,^{lv} United States immigration and asylum policies have experienced significant shifts under both the Biden and Trump administrations, impacting access to asylum and refugee protection.
43. The Migrant Protection Protocols (MPP), established during the first Trump administration, forced asylum seekers arriving at the US-Mexico border to wait in Mexico while their claims were processed in the US immigration court system. The Biden administration's suspension of MPP in 2021 had been seen as a positive step toward ensuring better protection for asylum seekers, but the establishment of the May 2023 Asylum Ban (formally referred to as the “Circumvention of Lawful Pathways” Rule)^{lvi}, and the June 2024 Interim Final Rule titled “Securing the Border”^{lvii} severely limited eligibility for asylum protections for people arriving at the US-Mexico border.
44. A report from partner organizations, including Hope Border Institute, Las Americas Immigrant Advocacy Center, and Kino Border Initiative, observe that these policies flout the

US government's legal obligations to asylum seekers by summarily deporting them to danger, sometimes without a Credible Fear Interview, stranding them in Mexico where they are vulnerable to severe harm, and, in some instances, compelling family separation. The report contains stories of more than 30 people who have sought asylum since these policies went into effect.^{lviii}

45. Now reinstated by the Trump administration in 2025, the MPP exposes asylum seekers to violence, exploitation, and deprivation of basic services while they await their asylum hearings in Mexico. The MPP contravenes US obligations under the 1967 Protocol Relating to the Status of Refugees to provide protection to refugees and asylum seekers without subjecting them to inhuman or degrading treatment. The MPP violates the principle of non-refoulement, a cornerstone of international refugee law, which prohibits returning individuals to places where they may face harm.
46. The Title 42 policy, initially implemented under the first Trump administration in response to the COVID-19 pandemic,^{lix} allowed for the rapid expulsion of migrants without allowing them to access the asylum process. Under this policy, migrants, including children and families, were quickly sent back to their countries of origin or to Mexico, bypassing due process.
47. While the Biden administration initially sought to end Title 42, it continued its application in certain circumstances until 2023, citing public health concerns. The policy led to the expulsion of hundreds of thousands of individuals and families seeking asylum, denying them the opportunity to present their cases and receive legal protection. The Trump administration is considering reinstating this policy despite the lack of a public health crisis.^{lx} Title 42 continues to raise serious concerns about violations of international human rights obligations, particularly the 1967 Protocol, the ICCPR, and the Convention against Torture (CAT).

Borders

48. The expanded use of biometric data collection and the use of surveillance technologies in immigration enforcement in the US have serious implications for migrants' right to privacy and the right to seek asylum. Under the 2023 Asylum Ban, individuals were required to use the "CBP One" app to schedule appointments at ports of entry to be considered eligible for asylum, adding layers of complexity and obstacles to an already challenging process. Some asylum seekers were unable to use the application for financial, literacy, and language proficiency reasons, among others. The application's mandatory use of facial recognition and GPS tracking raises serious concerns about privacy, surveillance, and potential discrimination, further complicating the asylum-seeking process.^{lxi}
49. In a sweeping escalation of border security measures, the current Trump administration has declared a national emergency at the southern border, leading to an expanded military presence, heightened surveillance, and continued construction of border barriers.^{lxii} While these measures are framed as necessary for national security, the militarization of the border

and criminalization of migration further restrict access to asylum and endanger those fleeing persecution.

50. Data-intensive technologies used at and around borders, such as military-grade biometric sensors and drone surveillance, can perpetuate further harm for displaced populations, who are already at high risk of exploitation and marginalization.^{lxiii} The militarization of the US-Mexico border often has the implicit intention and real impact of discriminating against individuals based on race, religion, or national origin. The Committee on the Elimination of Racial Discrimination has called on States, in relation to their obligations under the treaty, to “Ensure that immigration policies do not have the effect of discriminating against persons on the basis of race, colour, descent, or national or ethnic origin.”^{lxiv}

Detention

51. During the Third UPR Cycle, there were 12 recommendations noted or supported by the United States related to the rights of migrants in immigration detention or pursuing rights-based alternatives to detention.^{lxv} Despite promises to reduce detention rates, the Biden administration expanded immigration detention and removals. Immigration detention facilities have been used to hold migrants, including children, awaiting deportation proceedings or asylum hearings. There has been a focus on using family detention centers and expanding private detention contracts.
52. The National Immigrant Justice Center reported in September 2024 that people in detention experience inhumane conditions and rights abuses that include medical neglect, preventable deaths, punitive use of solitary confinement, lack of due process, obstructed access to legal counsel, and discriminatory and racist treatment. The statistics on the immigration detention system reveal both the daily inhumanity faced by detainees and the substantial public costs, as taxpayer dollars increasingly fund private prison companies that profit from detention contracts.^{lxvi} The conditions in many detention facilities may be considered cruel, inhuman, or degrading treatment, which violates the CAT. Additionally, prolonged detention without due process undermines the right to liberty and security guaranteed by Article 9 of the ICCPR.
53. There were 11 supported or noted recommendations in the previous cycle related specifically to the rights and best interests of migrant children and family unity in the context of immigration enforcement and detention.^{lxvii} The Trump administration’s renewed promise to implement mass deportation policies raises serious concerns under international human rights law, particularly regarding the treatment of migrant and US citizen children. The ICCPR prohibits arbitrary detention and affirms the right to family unity in Articles 9 and 23. Likewise, Articles 3, 9, and 37 of the Convention on the Rights of the Child (CRC) explicitly condemn child detention and family separation, recognizing that such practices cause severe psychological harm. While the US is the only country in the world that has not ratified the CRC, as a signatory, it has a legal obligation not to take actions that would defeat the object and purpose of the treaty. The US’s failure to uphold these protections through child

detention and family separation places it in clear violation of its obligations as a signatory.

54. Despite these legal obligations, past mass deportation and family separation policies have inflicted irreparable harm on thousands of children, many of whom are US citizens or lawful residents with detained or deported parents. The trauma of separation, prolonged detention in inhumane conditions, and lack of legal protection violate fundamental human rights and threaten children's well-being. The Center for Law and Social Policy testimony to the Senate Judiciary Committee in December 2024 detailed the detrimental impacts of immigration enforcement on children and warned that any future expansion of these policies would deepen these violations, further eroding the US's commitment to international human rights norms and exposing vulnerable children to lifelong psychological and emotional suffering.^{lxviii}
55. In 2025, the US entered into a partnership with El Salvador, where deported migrants are being detained in the Centro de Confinamiento del Terrorismo (CECOT), a high-security mega-prison. Among those held are migrants who have no criminal record. Migrants detained in CECOT are held in poor and overcrowded conditions, with limited access to legal representation, insufficient healthcare, and inadequate protection from violence. The facility's conditions and the lack of due process for migrants detained there have led to significant concerns about the violation of migrants' human rights. Migrants and asylum-seekers in the US have also been sent to Guantanamo Bay, a facility well known for harsh conditions and extraordinary rendition.
56. During the previous cycle, the US supported a recommendation to ensure an environment in which immigrant human rights defenders can do their work freely without threat of immigration detention and deportation.^{lxix} The alarming rise in immigration detention of tourists, visa holders, and even legal permanent residents based on their speech or expression represents a growing threat to fundamental human rights and violates the US's international legal obligations under the ICCPR. Despite these commitments, individuals are increasingly subjected to arbitrary detention for their social media posts, political opinions, or past activism - often without legal justification. Many are denied due process and access to legal representation. This trend reflects a dangerous erosion of international human rights protections, creating a climate of fear that suppresses dissent and silences critical voices.

Xenophobia

57. The United States supported or noted three recommendations that called for strengthened measures to combat racism, xenophobia, and hate speech, especially against immigrants and asylum seekers.^{lxx} Rather than making progress on these recommendations, the rise of xenophobia, racial discrimination, and violence against migrants and asylum seekers in the US stands in stark violation of its obligations under international law. Under Articles 4 and 26 of the ICERD, the US is legally bound to combat racial hatred, discrimination, and incitement to violence, and must protect all individuals from discrimination. However, harmful and misleading political rhetoric increasingly fuels xenophobia, falsely portraying

migrants, refugees, and asylum seekers as threats to national security and economic stability.

58. This climate of fear legitimizes hate speech, encourages racial profiling, and contributes to violent attacks, including assaults and even killings of migrants. Moreover, discriminatory policies - such as targeted immigration enforcement and border deterrence strategies - exacerbate the suffering of those seeking safety and protection.
59. **By the next UPR cycle, we recommend that the government of the United States undertake the following actions:**
- a. Implement policies that uphold migrants' dignity, security, and fundamental freedoms in full compliance with international human rights law.**
 - b. Strengthen oversight mechanisms to prevent abuses and guarantee due process for all migrants.**
 - c. Immediately prohibit family separations and the detention of migrant children. Develop and expand community-based alternatives to detention that prioritize the best interests of the child.**
 - d. Review and repeal punitive migration policies that use detention as a deterrent and impose criminal penalties for irregular migration. Conduct regular, independent inspections of migrant detention facilities to ensure compliance with international human rights standards. Provide adequate healthcare, sanitation, and legal assistance to all detained individuals.**
 - e. Implement strong legal frameworks and public education campaigns to combat racial discrimination, hate speech, and violence against migrants and asylum seekers. Denounce inflammatory political rhetoric and hold perpetrators accountable through effective enforcement of anti-discrimination laws.**
 - f. Establish legal protections and safeguards to ensure that human rights defenders can work freely, without fear of harassment, detention, or deportation. Investigate and prosecute threats and attacks against them.**
 - g. Commit to ratifying and implementing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, aligning US law with global human rights standards.**

Endnotes

ⁱ A/HRC/46/15. 26.136 “Make reforms to end systematic racism against people based on their descent, race and legal status” (Azerbaijan); 26.141 “Take necessary measures to end systemic racism against minorities, including African-Americans” (Islamic Republic of Iran); 26.142 “Root out systemic racism, address widespread police

brutality and combat discrimination against African- and Asian-Americans” (China); 26.220 “Take measures to combat systemic racism and police violence against people of African descent” (Togo); 26.228 “Take urgent action to end systemic racism in police work and bring those responsible for racially motivated violence to justice” (Belarus). <https://docs.un.org/en/A/HRC/46/15>

ⁱⁱ Thagard, Paul. “What systemic racism is and how to overcome it”. Psychology Today. January 9, 2023.

<https://www.psychologytoday.com/us/blog/hot-thought/202301/what-systemic-racism-is-and-how-to-overcome-it>

ⁱⁱⁱ *International Convention on the Elimination of All Forms of Racial Discrimination*. Article 2.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

^{iv} Bachelet, Michelle. Letters by the HC to the Foreign Ministers of Member States. Comments by UNHCHR Michele Bachelet on the Final Outcome Report on the USA for the 46th Session of the Human Rights Council, May 17, 2021. 36th UPR Working Group Session. <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/US/HCLetter-USA.pdf>

^v Biden, Joseph. “Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” The White House. January 20, 2021.

<https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

^{vi} Trump, Donald. “Executive Order on 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/>

^{vii} Committee on the Elimination of Racial Discrimination. “Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017” Date received: 2 June 2021.

<https://digitalibrary.un.org/record/3953967?ln=en&v=pdf>

^{viii} Biden, Joseph. “Presidential Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies.” The White House. January 26, 2021.

<https://www.federalregister.gov/documents/2021/01/29/2021-02074/redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and>

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^{xiii} A/HRC/46/15. 26.276 “Ensure the right to vote without discrimination by increasing access to every method of voting allowed in each state or jurisdiction” (Greece); 26.275 “Ensure the exercise of the right to vote, including by demanding that states refrain from using voter identification requirements that can have a discriminatory impact on voters” (Germany) <https://docs.un.org/en/A/HRC/46/15>

^{xiv} *International Covenant on Civil and Political Rights*. Article 25 and 26. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

^{xv} *International Convention on the Elimination of All Forms of Racial Discrimination*. Article 5(c).

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

^{xvi} SEC. 2. 52 USC. 10301 (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b). (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice”

^{xvii} Berman, Ari, et al. “The Voting Rights Act is Being Attacked from Every Possible Angle, Journalists say”. November 30, 2023. <https://www.npr.org/2023/11/30/1216054095/the-voting-rights-act-is-being-attacked-from-every-possible-angle-journalist-say>

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<https://docs.un.org/en/A/HRC/46/15>

^{xxi} A/HRC/46/15. 26.291 “Take measures for providing health-care services to all without prejudice to race, economic situation and citizenship status of persons under its jurisdiction” (Azerbaijan); 26.305 “Make essential health services accessible to all women and girls, paying special attention to those who face multiple and intersecting forms of discrimination” (Finland). <https://docs.un.org/en/A/HRC/46/15>

^{xxii} *International Covenant on Civil and Political Rights*. Article 6. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

^{xxiii} *International Covenant on Civil and Political Rights*. Article 26. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

^{xxiv} *International Convention on the Elimination of All Forms of Racial Discrimination*. Article 5(iv).

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^{xxix} Mofokeng, Tlaleng. “Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health” July 20, 2022. <https://docs.un.org/en/A/77/197>

^{xxx} United States of America. “Report of the Working Group on the Universal Periodic Review: United States of America. Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.” <https://docs.un.org/en/A/HRC/46/15/ADD.1>

^{xxxi} A/HRC/46/15. 26.150 “Advance towards the implementation of instruments to combat climate change and its negative impacts on human rights” (Bahamas); 26.151 “Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks” (Fiji); 26.152 “Pursue the fight against the global problem of climate change and its negative impacts, in particular by strengthening cooperation with the international community in this area” (Haiti); 26.64 “Reconsider the 2017 decision to withdraw from the Paris Agreement on climate change” (Slovenia); 26.65 “Take immediate steps to overturn the executive branch decision to withdraw from the Paris Agreement” (Fiji). <https://docs.un.org/en/A/HRC/46/15>

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^{xxxiii} Inflation Reduction Act <https://www.congress.gov/bill/117th-congress/house-bill/5376>

^{xxxiv} A/HRC/46/15. 26.150 “Advance towards the implementation of instruments to combat climate change and its negative impacts on human rights” (Bahamas); 26.151 “Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks” (Fiji); 26.152 “Pursue the fight against the global problem of climate change and its

negative impacts, in particular by strengthening cooperation with the international community in this area” (Haiti). <https://docs.un.org/en/A/HRC/46/15>

^{xxxv} UC Berkeley and the UCLA Law have identified 35 consequential actions pertaining to climate action under the Biden Administration. See “35 Major Climate Initiatives under Biden” <https://legal-planet.org/2024/07/22/fifteen-major-climate-actions-under-biden/>

^{xxxvi} Stockman, Lorne, Rosenbluth, Allie and Rees, Collin. “Biden’s Fossil Fuel Fail” November 2023, https://oilchange.org/wp-content/uploads/2023/11/Fossil-Fuel-Fail-report_web.pdf

^{xxxvii} Notable among these are Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis); Executive Order 13992 of January 20, 2021 (Revocation of Certain Executive Orders Concerning Federal Regulation) and Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad). Executive Order 14013 of February 4, 2021 (Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration). Executive Order 14027 of May 7, 2021 (Establishment of the Climate Change Support Office). Executive Order 14030 of May 20, 2021 (Climate-Related Financial Risk). For further details, see The White House, “Further Recissions of Harmful Executive Orders and Actions” January 20 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/>

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^{xxxix} Ritchie, Hannah and Roser, Max. “CO₂ emissions” January 2024. Published online at OurWorldinData.org. <https://ourworldindata.org/co2-emissions>

^{xl} “The Global Change Research Act of 1990 mandates that the US Global Change Research Program (USGCRP) deliver a report to Congress and the President not less frequently than every four years that “integrates, evaluates, and interprets the findings of the Program and discusses the scientific uncertainties associated with such findings; analyzes the effects of global change on the natural environment, agriculture, energy production and use, land and water resources, transportation, human health and welfare, human social systems, and biological diversity; and analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years.” USGCRP, 2023: Fifth National Climate Assessment. Crimmins, A.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, B.C. Stewart, and T.K. Maycock, Eds. U.S. Global Change Research Program, Washington, DC, USA. <https://nca2023.globalchange.gov/>

^{xli} Those include the Kyoto Protocol, the Convention on Biological Diversity, the United Nations Convention on the Law of the Sea, and Stockholm Convention on Persistent Organic Pollutants.

^{xlii} U.S. Global Change Research Program. “5th National Climate Assessment Report Key Messages.” <https://nca2023.globalchange.gov/key-messages/>

^{xliii} The concept of environmental justice is grounded in activists’ attempt in the early ’80s to block a dump for polychlorinated biphenyls, once widely used toxic chemicals, from being installed in Warren County, North Carolina, a predominantly Black community. Evidence quickly mounted that Americans who were nonwhite or poor, and particularly those who were both, were more likely to live near hazardous-waste sites and other sources of pollution. Advocates for addressing these ills called unequal toxic exposures “environmental racism,” and the efforts to address them “environmental justice.” In the early ’90s, the first President Bush established the Office of Environmental Equity, eventually known as the EPA’s Office of Environmental Justice, and President Bill Clinton mandated that federal agencies incorporate environmental justice into their work. [EPA US Environmental Protection Agency](https://www.epa.gov/oej). (Schlanger, Zoe. “The Trump Administration’s Environmental Pile-On.” The Atlantic. March 7, 2025. <https://www.theatlantic.com/science/archive/2025/03/trump-environmental-justice/681958/>)

^{xliv} Bachelet, Michelle. Letters by the HC to the Foreign Ministers of Member States. Comments by UNHCHR Michele Bachelet on the Final Outcome Report on the USA for the 46th Session of the Human Rights Council, May 17, 2021: “...Ensuring, prior to the approval of large-scale projects, including extractive industry and infrastructure projects, that environmental impact assessments are prepared in full transparency and with the meaningful participation of affected communities, including indigenous peoples.” “Ensuring the protection against human rights abuses by business enterprises and investigating, sanctioning and redressing such abuses, as well as encouraging private corporations to follow the Guiding Principles on Business and Human Rights: Implementing the United Nations *Protect, Respect and Remedy* Framework.” 36th UPR Working Group Session. <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/US/HCLetter-USA.pdf>

^{xlv} A/HRC/46/15. 26.110 “Adopt further measures to ensure the enjoyment of human rights by all without discrimination.” (Nigeria); 26.111 “Adopt measures to combat structural discrimination.” (Argentina); 26.113 “Take effective measures to eliminate discrimination on the basis of race, ethnicity, religion, and sex, and to stop racial profiling by law enforcement agencies.” (Russian Federation); 26.114 “Combat all forms of discrimination by

guaranteeing equitable access to justice, medical care, and quality education.” (Switzerland); 26.119 “Continue to put in place measures to eradicate racism, xenophobia, and all forms of related intolerance across the country.” (Lesotho). <https://docs.un.org/en/A/HRC/46/15>

^{xlvi} Biden, Joseph. “Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All.” The White House. April, 21, 2023. <https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all>

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^{xlvi} Biden, Joseph. “Executive Order on Tackling the Climate Crisis at Home and Abroad.” The White House. January 27, 2021. <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

^{xlvi} Environmental Protection Agency. “EPA Announces New Draft Framework to Advance Consideration of Cumulative Impacts on Communities” November 21, 2024. <https://www.epa.gov/newsreleases/epa-announces-new-draft-framework-advance-consideration-cumulative-impacts-communities>

ⁱ Laughland, Oliver. “‘It is going to be terrible’: a senior in Louisiana’s ‘Cancer Alley’ prepares for Trump’s dismantling of hard-won environmental progress.” The Guardian. February 16, 2025.

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ⁱⁱ Environmental Protection Agency. “About the Office of Environmental Justice and External Civil Rights.” <https://www.epa.gov/aboutepa/about-office-environmental-justice-and-external-civil-rights>

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https://www.goldmanprize.org/press_releases/2021-press-release/#:~:text=Sharon%20Lavigne%2C%20United%20States&text=James%20Parish%2C%20Louisiana,.her%20predominantly%20African%20American%20community.

ⁱⁱⁱ Trump, Donald. “Executive Order on Ending Radical and Wasteful Government DEI Programs and Preferencing.” The White House. January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>

^{iv} Edwards, Clarence. “Bill Analysis: Environmental Justice for All Act S.919/H.R.1705” Friends Committee on National Legislation. June 15, 2023. <https://www.fcnl.org/updates/2023-04/bill-analysis-environmental-justice-all-act>

^{iv} A/HRC/46/15. 26.127 “Adopt effective measures to enhance equality and eliminate racial discrimination and xenophobia against migrants and refugees, as well as racial, ethnic and religious minorities” (Qatar); 26.130 “Combat racism and hate speech, especially against immigrants and asylum seekers, and reinforce their protection” (Iraq); 26.327 “Make efforts in favour of the human rights of migrants, asylum seekers and refugees” (El Salvador); 26.334 “Ensure that the detention and separation of migrant families and asylum seekers are not used as punitive measures to deter irregular entry into the country” (Peru); 26.339 “Stop the cruel, inhuman and degrading treatment of migrants and asylum seekers and the separation of hundreds of minors from their families” (Cuba); 26.342 “Ensure that detention centres for migrants and refugees and the treatment they receive meet the basic conditions called for under international human rights law and standards” (Fiji); 26.346 “Guarantee respect for the life, dignity, security and human rights of migrants and refugees, ensure adequate conditions in detention centres, prioritize the family unit and safeguard the best interests of the child” (Mexico). <https://docs.un.org/en/A/HRC/46/15>

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[Nov/42%20U.S.%20Code%20Title-42%20The%20Public%20Health%20and%20Welfare.pdf](#)

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<https://www.nytimes.com/2025/01/09/us/politics/trump-title-42-migrants.html>

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^{lxii} Goitein, Elizabeth. “Trump’s Emergency Declaration at the Border Is an Abuse of Power” Time. January 23, 2025. <https://time.com/7209435/trump-emergency-declaration-border-power-abuse-essay/>

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^{lxiv} Committee on the Elimination of Racial Discrimination. “General Recommendation 30, Discrimination against Non-citizens.” Sixty-fourth session, 2004. CERD/C/64/Misc.11/rev.3

^{lxv} A/HRC/46/15. 26.347 “Ensure the enjoyment of human rights by minorities and vulnerable groups in the country, especially those in detention centres for migrants along the southern border of the United States” (Nicaragua); 26.346 “Guarantee respect for the life, dignity, security and human rights of migrants and refugees, ensure adequate conditions in detention centres, prioritize the family unit and safeguard the best interests of the child” (Mexico); 26.344 “Stop separating young children from their migrant parents and putting them in cages” (Iran); 26.343 “Improve conditions of confinement pertaining to immigrants to meet human rights standards and international treaties” (Ghana); 26.342 “Ensure that detention centres for migrants and refugees and the treatment they receive meet the basic conditions called for under international human rights law and standards” (Fiji); 26.340 “Protect the rights of children who arrive in the United States and seek alternatives to the current detention system for migrant children, both unaccompanied and part of family groups, and allow them to remain under the protection of their parents” (Ecuador); 26.339 “Stop the cruel, inhuman and degrading treatment of migrants and asylum seekers and the separation of hundreds of minors from their families” (Cuba); 26.338 “Stop incarcerating migrants, including migrant children, and guarantee the rights of migrants” (China); 26.337 “Seek alternatives to the present immigration detention system and improve conditions of confinement to meet basic human rights standards” (Zambia); 26.335 “Increase its efforts to protect migrants, especially those in vulnerable groups, including by seeking alternatives to detention for migrant children and ensuring access to basic services” (Thailand); 26.334 “Ensure that the detention and separation of migrant families and asylum seekers are not used as punitive measures to deter irregular entry into the country” (Peru); 26.333 “Ensure that detention conditions for immigrants, particularly for minors, comply with international human rights law” (Norway). <https://docs.un.org/en/A/HRC/46/15>

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^{lxvii} A/HRC/46/15. 26.346 “Guarantee respect for the life, dignity, security and human rights of migrants and refugees, ensure adequate conditions in detention centres, prioritize the family unit and safeguard the best interests of the child” (Mexico); 26.345 “Include in legislation the ban on the separation of families in the context of migration” (Luxembourg); 26.344 “Stop separating young children from their migrant parents and putting them in cages” (Iran); 26.341 “Fully guarantee the human rights and fundamental freedoms of migrant children and adolescents regardless of their immigration status” (Colombia); 26.340 “Protect the rights of children who arrive in the United States and seek alternatives to the current detention system for migrant children, both unaccompanied and part of family groups, and allow them to remain under the protection of their parents” (Ecuador); 26.339 “Stop the cruel, inhuman and degrading treatment of migrants and asylum seekers and the separation of hundreds of minors from their families” (Cuba); 26.338 “Stop incarcerating migrants, including migrant children, and guarantee the rights of migrants” (China); 26.336 “That the United States Department of Homeland Security and the United States Immigration and Customs Enforcement agency should acknowledge the human right of families to remain united and/or be reunited” (Slovenia); 26.335 “Increase its efforts to protect migrants, especially those in vulnerable groups, including by seeking alternatives to detention for migrant children and ensuring access to basic services” (Thailand); 26.334 “Ensure that the detention and separation of migrant families and asylum seekers are not used as punitive measures to deter irregular entry into the country” (Peru); 26.333 “Ensure that detention conditions for immigrants, particularly for minors, comply with international human rights law” (Norway).

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^{lxi} A/HRC/46/15. 26.274 “Ensure an environment in which immigrant human rights defenders can do their work freely, without threat of immigration detention and deportation” (South Sudan). <https://docs.un.org/en/A/HRC/46/15>

^{lx} A/HRC/46/15. 26.257 “Take effective measures to prevent trafficking in persons and to address the issues of overcrowding in prisons, police violence and the increase in manifestations of racism, extremism and xenophobia” (Russian Federation); 26.130 “Combat racism and hate speech, especially against immigrants and asylum seekers, and reinforce their protection” (Iraq); 26.127 “Adopt effective measures to enhance equality and eliminate racial discrimination and xenophobia against migrants and refugees, as well as racial, ethnic and religious minorities” (Qatar). <https://docs.un.org/en/A/HRC/46/15>