



Submission to the UN Office of the High Commissioner for Human Rights
Universal Periodic Review 50th Session: United States of America

Unrepresented People of the USA: District of Columbia and Guam

Submitting Organisation: Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international membership-based organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their fundamental human rights. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social, and cultural development.

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Executive Summary

1. This report is submitted by the Unrepresented Nations and Peoples Organization (UNPO) ahead of the fourth Universal Periodic Review Cycle (UPR) of the United States of America (“USA” or “US”). The US comprises 50 states, the District of Columbia (“DC”) (the seat of the US government), five “unincorporated” territories (Puerto Rico, Guam, Virgin Islands, American Samoa, and the Northern Mariana Islands), and uninhabited territories. While each community experiences forms of disenfranchisement under US administration, this submission focuses on the disenfranchisement, denial and limitation of fundamental rights of residents of DC and the Indigenous Chamorro People of Guam.
2. Key issues highlighted include the denial of the right to vote, resulting in a lack of representation at various levels of US federal government for residents of DC and Guam. The federal government's control over DC and Guam, coupled with their lack of full representation, directly affects residents' access to healthcare, essential services, and a healthy environment.
3. Because of legal restrictions on the citizenship rights of the people of DC and the US Territories, currently over 4 million people in the USA are denied the right to vote on account of their national origin, birth or place of residence in direct contravention of US obligations contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Form of Racial Discrimination (ICERD).
4. Regrettably, since the previous review of the US in November 2020, there has been little to no discernible improvement for the people of DC and Guam.
5. Since January 20, 2025, the US has been operating under the renewed Trump administration. This shift in governance has led to significant changes in federal functioning. Recent executive orders targeting funding restrictions, and the dismantling of diversity, equity and inclusion (DEI) programmes have raised concern for DC residents and the Indigenous Chamorro people in Guam, who worry that structural changes will only further limit their rights to self-determination.

District of Columbia

6. DC is an administrative and federally controlled district, not belonging to any US State, and lacking the full sovereignty of other states. During the transatlantic slave trade, Washington DC was central for the movement of people. Consequently, after the abolishment of slavery, a relatively large African American population continued to reside in DC and who continue to face systemic inequalities.
7. By the 1970s and following various civil rights movements for self-rule, the US Congress gave DC limited self-determination, with an elected mayor and 13-member Council. DC residents nevertheless still lack full citizenship rights and national representation, constituting only one of the six non-voting members in the House of Representatives. This lack of voting rights is rooted in historic patterns of racial discrimination, as ethnic and racial minorities make up 60% of the

population and African Americans, 44.6%.¹ For example, residents are still required to pay federal taxes and register for the Selective Service System.²

Guam

8. During US colonial expansion, *conquered* areas were organised into “territories” with some eventually gaining statehood or being incorporated into the USA, while others remained neither a state nor a country, like Guam.
9. As an “unincorporated organised territory”, Guam is administered and controlled by the US, with limited application of the US Constitution. The US Congress establishes Guam's local government and approves its subordinate Constitution.³ US territories possess some local governmental powers and representation in the US Congress, exhibiting greater sovereignty than DC. While exempt from federal taxation, they face civil rights restrictions and lack US Senate representation.
10. Since 1946, the United Nations (UN) has listed Guam as a colonised Non-Self-Governing Territory (NSGT), under US administration. As a colonised territory, the Indigenous Chamorro People have persistently been denied the right to organise a referendum on self-determination, with the US retaining full political and territorial control. Guam’s lack of full political representation means that the people do not have equal voting rights within the US, cannot vote in presidential elections and have limited representation in US Congress.

Political Disenfranchisement and Right to Vote

11. While approximately 239,470,150 US citizens aged 18 and over and registered in a state were eligible to vote in the 2022 Congressional elections according to the US Constitution, this figure excluded around 700,000 DC residents and 3.5 million residents of US territories based on national origin, birth, or place of residence.⁴
12. Despite being legally recognised as full US citizens, DC residents do not possess the same rights as citizens residing in the 50 states – most apparent in the unequal right to vote. While residents of the District were granted the right to vote in Presidential elections in 1961, they still have no capacity to vote for US Congress.
13. DC’s lack of full sovereignty afforded to US states means that many of its functions must operate under federal supervision and restrictions of the US Constitution. These supervisory powers allow the federal government to block or create policies without DC’s approval. Moreover, the limited voting capacity for DC in US Congress means that when the federal government blocks or creates any policies, it is largely done without any responsibility or consideration of the residents. This

¹ DC Statehood, ‘Why Statehood for DC’. <https://statehood.dc.gov/page/why-statehood-dc>

² Brennan Center for Justice, ‘DC Statehood Explained’. <https://www.brennancenter.org/our-work/research-reports/dc-statehood-explained>

³ UNPO, ‘Chamoru Self-Determination’. <https://unpo.org/downloads/2708.pdf>

⁴ OSCE, ‘Mid-Term Congressional Elections’. <https://www.osce.org/files/f/documents/8/a/543015.pdf>

overstepping capacity is a stark example of the structural imbalance directly impacting DC which has affected access to vital public health programmes, the criminal legal system and the National Guard deployment in emergencies, which exclusively operates under federal, rather than local, control. In 2022, DC passed a bill to rewrite DC's 120-year-old criminal code, reflecting widely supported reforms like eliminating mandatory minimums and ensuring the right to a jury trial. However, Congress blocked the implementation of the bill, despite wide support from DC voters.⁵ Unlike other states, DC's criminal legal system and public safety system operate under both local and federal authority. In criminal cases, federal officials prosecute cases without being directly accountable to DC residents, a system that perpetuates historical and ongoing racial discrimination.

14. A March 28, 2025, executive order further jeopardises the already limited rights and representation of DC residents. The *Making the District of Columbia Safe and Beautiful* executive order increases federal control over DC by creating a Task Force composed solely of federal officials, excluding DC representatives.⁶ The order aims to make DC 'safe and beautiful', despite violent crime rates in DC in 2024 being lower than previous years – and among the lowest rates of crime compared to similarly sized US cities. DC leaders worry that without their representation and a lack of accountability to local residents, the executive order could place public safety at risk instead – the executive order eases concealed carry permit acquisition through lower costs.
15. Furthermore, a recent GOP-drafted stopgap funding bill has placed its budget at risk of a \$1 billion freeze.⁷ This bill would largely impact local DC revenue as the District does not predominantly rely on federal funding,⁸ and force dramatic cuts to essential local services, including schools and police services. Although the federal government indicated it would redress the impact of the freeze, no changes have yet been made to the bill. The widespread federal worker layoffs in the US as a result of ending DEI programmes also places approximately 40,000 DC residents at risk of being out of work.⁹
16. In the case of Guam, the 1950 Organic Act granted residents citizenship, however they do not have equal voting rights within the US – they cannot vote for the US presidency, have no US Senate representation and can only elect one non-voting member in the House of Representatives. Despite the limited self-governance, the US maintains colonial oversight and ultimate control over the island with the territory being subjected to US Congress plenary powers.¹⁰

⁵ CAP, 'How DC's Local Leaders Are Keeping Residents Safe'. <https://www.americanprogress.org/article/how-dcs-local-leaders-are-keeping-residents-safe/>

⁶ D.C. Safe and Beautiful Task Force, <https://www.whitehouse.gov/presidential-actions/2025/03/making-the-district-of-columbia-safe-and-beautiful/>

⁷ CNN: <https://edition.cnn.com/2025/03/11/politics/washington-dc-mayor-trump-black-lives-matter/index.html>

⁸ NYT: <https://www.nytimes.com/2025/03/10/world/europe/spending-bill-government-shutdown-dc-budget-cuts.html>

⁹ NPR: <https://www.npr.org/2025/03/10/nx-s1-5321004/washington-mayor-muriel-bowser-trump>

¹⁰ UNPO, 'Petition to the Inter-American commission on Human Rights'. <https://old.unpo.org/downloads/2688.pdf>

17. For the Chamorro living under US administration in Guam, there is little power within the domestic legal system to protect their homeland or vindicate their rights. The US has continually denied the Indigenous Chamorro people their fundamental right to self-determination, a position cemented in the 2019 US Supreme Court decision, *Davis v. Guam*, which denies the native inhabitants the right to take even a symbolic step toward self-determination. This denial has further impacted other aspects of life, and vice versa. On March 30, 2021, three UN Special Rapporteurs submitted a Joint Allegation Letter (JAL) to the US Government, addressing the ongoing human rights violations against the Indigenous Chamorro Peoples by the US Government and military. The JAL highlights how the lack of free, prior and informed consent from Indigenous inhabitants regarding the ongoing military expansion has led to ‘associated threats to indigenous lands, resources, environmental and cultural rights’. The JAL also expressed concern that the US government ‘has not supported self-determination for the Chamorro people of Guam’ impacting their life and health.¹¹
18. The above restrictions on voting rights for DC residents, and for the Chamorro people of Guam, violates their political rights protected under international human rights mechanisms, including the right to vote in Article 25 of the ICCPR and Article 5 of the ICERD. It is a further limitation of Article 1 of the ICCPR which guarantees all peoples the right to self-determination and to freely determine their political status.

Relevant Recommendations from the Previous Cycle

- 26.276 – *Ensure the right to vote without discrimination by increasing access to every method of voting allowed in each state or jurisdiction (Greece) [Supported]*
- 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) [Supported]*

Healthcare, Land Grabbing, Environmental Impact

19. For DC and Guam, a lack of statehood and equal right to voting and representation has prevented them from receiving the same support as the other 50 states. During the COVID-19 pandemic, the 50 US states each received \$1.25 billion in federal relief, and US territories had to share a total of \$3 billion between them, leaving each territory with only \$500 million.¹²
20. For residents of DC, this structural imbalance affects the functioning of its public health system. US Congress regularly uses its supervisory powers to challenge, or even abolish, important public health programs, effectively disenfranchising DC residents – ranging from abortion programmes and reproductive health services, to clean needle exchange to reduce the spread of HIV/AIDS. These programs are vital to DC which faces inequalities in accessing healthcare and rates of illness on the basis of race and ethnicity. While white residents of DC have high overall health outcomes, black residents experience some of the worst health outcomes in the country, being

¹¹ Joint Allegation Letter:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25885>

¹² UNPO, ‘The Impact of the Coronavirus Pandemic on Unrepresented Nations and Peoples’.

<https://unpo.org/downloads/2671.pdf>

more likely to suffer from heart disease, hypertension, heart failure, stroke, diabetes, chronic obstructive pulmonary disease, chronic kidney disease, asthma, HIV/AIDS and cancer. Approximately 3% of DC's residents are infected with HIV, making it the highest rate of any city in the nation and rates of cancer and end-stage kidney disease being comparable to some Southern African countries. Air pollution is a major concern for DC residents, largely due to the Capitol Power Plant powering the Capitol building with little concern for the air quality and negative externalities caused by the coal-powered plant in a densely urban area.¹³

21. For Guam, military buildup on the island cannot be separated from the right to self-determination, especially when the US is only required to consult, not obtain consent, from local communities for projects impacting their land. The more Guam becomes militarised, the greater its dependence on the US grows, -impacting its right to self-determination. This relationship of dependency and stalling political determination is increased by various arbitrary policies. The 1920 Jones Act requires all goods transported between US ports to be carried on US-built, owned and crewed ships. Although Guam was exempted from the US-built requirement, it faces restrictions as ships travelling from the US West Coast to Guam usually stop in Hawaii, which is subject to the law. Guam therefore faces high import costs on goods. Once self-sufficient before the Second World War, Guam is now 90% dependent on imported food, at high costs.
22. Guam's lack of effective participation has enabled the US government to use the island as a military asset, operating with unchecked authority. The military occupies approximately 30% of Guam's land, much of which holds great cultural and spiritual significance to the Chamorro and was seized without consent or adequate compensation.
23. Guam was exposed to radioactive fallout from the historical US nuclear weapon testing program in the nearby Marshall Islands. The residual contamination continues to impact the Chamorro people, a point which was cause for concern in the 2021 JAL. Guam has long been used by the US military to store and dispose of toxic and radioactive waste, leading to contamination of vital resources like the island's only freshwater aquifer. As a result, the Chamorro experience higher rates of cancer, thyroid disease, and other health issues. Today, approximately 90 toxic waste sites remain unremediated.¹⁴
24. The 2023 proposal for the Enhanced Integrated Air And Missile Defense System on Guam¹⁵ has concerned the Chamorro people, who fear it will worsen housing shortages and environmental degradation. In 2024, Guam reported a 16% increase in homelessness, while the Department of Defense occupied 4,681 housing units for active-duty personnel and their families, relying on the community for 65% of its housing needs. This military-induced inflation is reportedly making housing unaffordable for locals and escalating homelessness.¹⁶

¹³ UNPO, 'Washington DC: UNPO Kicks Off Campaign to Address Inequalities in Healthcare'.

<https://unpo.org/washington-dc-unpo-kicks-off-campaign-to-address-inequalities-in-healthcare/>

¹⁴ Further Submission to Special Rapporteur on the rights of indigenous peoples:

<https://bloximages.newyork1.vip.townnews.com/postguam.com/content/tncms/assets/v3/editorial/a/70/a707faaa-8b70-11ef-b596-9bdf43d7616b/670f361ea3d74.pdf.pdf>

¹⁵ <https://www.mda.mil/system/eiamd/documents/eiamdeisfactsheet.pdf>

¹⁶ PCIS Comments on the MDA's Proposed Enhanced Air and Missile Defense System for Guam:

<https://docs.google.com/viewerng/viewer?url=https://KUAM.images.worldnow.com/library/6c2284dc-763e-4262-a081-434d139d78bc.pdf>

25. Under the current administration, the increasing executive orders targeting DEI programmes poses a threat to Guam, where much of the funding falls under the category. The limitation of aid places nearly 14,000 residents without housing and 36,000 people risk losing access to Medicaid and Medicare coverage.¹⁷
26. In a recent statement, the UN Working Group on Business and Human Rights expressed concern that measures and limitations across the US, like those described above, are likely to violate the State's duty to protect against discrimination and respect for cultural diversity.¹⁸ The statement also emphasises that dismantling DEI efforts can perpetuate systemic inequalities.
27. The right to public health and medical care without discrimination is protected by Article 5 of the ICERD, and obliges the US to ensure its domestic legislation is in compliance with the treaty's provisions. Article 2 of the ICERD further emphasises that state parties must take steps to ensure that racial discrimination is not perpetrated through regulations, laws and practice

Relevant Recommendations from the Previous Cycle

- 26.289 – *Take concrete steps to ensure the enjoyment of the human right to health by all its people without discrimination (Portugal) [Supported]*
- 26.293 – *Ensure access to health care, drugs and treatment to all segments of society (Iraq) [Supported]*
- 26.326 – *Develop norms that ensure free, prior and informed consultations with indigenous communities in relation to projects with a potential impact on their territories and traditional ways of life, in accordance with Sustainable Development Goals 10 and 16 (Paraguay) [Supported]*
- 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) [Supported]*

Recommendations

In light of the above, the UNPO issues the following recommendations to US authorities:

- Guarantee the equal political participation rights of residents of DC, and the Chamorro people in Guam, ensuring that all citizens and nations have the right to vote and be represented at all levels of federal government, regardless of national origin, birth or place of residence;
- Ensure the inclusion of DC's population, minority groups and Indigenous Peoples in decision-making processes to address the structural barriers and inequalities they face, including disparities in access to health and medical care;
- Ease administrative control over DC and allow for greater inclusion of DC representatives in matters affecting the local population, such as the *DC Safe and Beautiful Task Force*;

¹⁷ Island Business: <https://islandsbusiness.com/news-break/governor-warns-us-federal-cuts-put-guams-national-security-role-on-the-line/>

¹⁸ OHCHR: <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/wgbhr-statement-dei-march-2025.pdf>

- Establish and enforce a framework that guarantees free, prior and informed consultations with Indigenous peoples in relation to projects impacting their territories and land, in accordance with international standards; and
- Take steps to ensure Guam is decolonised and self-governing by supporting the Chamorro peoples' right to self-determination through, inter alia, facilitating a symbolic plebiscite on their self-determination and ensuring access to inclusive political processes.