

CRIMINALIZATION OF HOMELESSNESS

In 2024, the United States Supreme Court overturned *Martin v. Boise* with *Grants Pass v. Johnson*, which has allowed local governments to perpetuate the vicious cycle of poverty and homelessness by giving them liberty to enact aggressive and harmful local ordinances criminalizing homelessness.¹

In California, the governor has required state agencies to clear encampments on state property.²

Individual cities have additionally adopted punitive ordinances, allowing fines up to \$1000 and even imprisonment for sleeping in public areas.³

Since July 2021, CalTrans, a California state agency, has already cleared 21,103 encampments.⁴

More than 24 cities in California have passed, strengthened, or are considering punitive ordinances for unhoused individuals.⁵

The revised City of Santa Monica ordinance removed language that had allowed unhoused individuals to use sleeping bags, blankets, and pillows while sleeping and instead imposes liability on unhoused individuals for possessing basic necessities.⁶

Encampment sweeps destroy

people managing chronic

access to prenatal care, and the

IFE-THREATENING ENCAMPMENT SWEEPS

Encampment sweeps constitute forced eviction under international law and violate the rights to adequate **housing, life**, to be free from **cruel and unusual punishment**, and to **freedom of movement**.⁷

lifesaving medications, mobility aids, and medical equipment for

illnesses.⁹

Pregnant women lose

stress and

displacement in turn increase

miscarriage risk.¹⁰

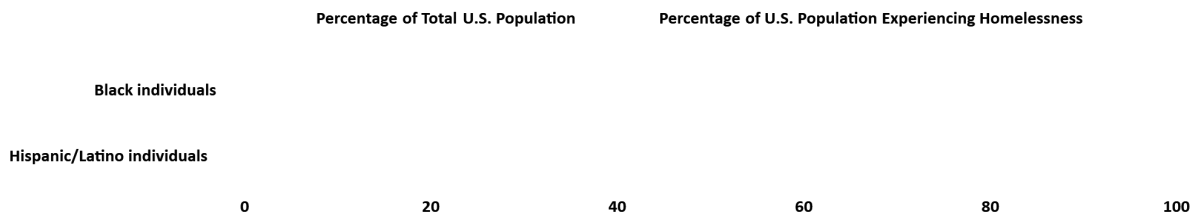
On Christmas Eve in 2024,

James Oakley, an unhoused man in Vallejo, California, was crushed to death by heavy machinery that was being used by the City to conduct an encampment sweep.⁸

Sweeps often destroy **essential identification documents**, including driver's licenses, birth certificates, and Social Security cards, which can take months to replace, preventing people from accessing employment, housing, or health care services.¹¹

DISPROPORTIONATE IMPACT ON PEOPLE OF COLOR

The United States has failed to prevent the criminalization of homelessness and its disproportionate impact on minorities, in violation of Article 26 of the ICCPR and Article 5(e)(iii) of CERD.^{12, 13, 14}



DISCRIMINATORY IMPACT ON VULNERABLE POPULATIONS

The American Indian and Alaska Native population was estimated to be roughly 2.6% of the total U.S. population,¹⁵ but comprised 3.8% of the unsheltered population.¹⁶

California reflects national trends

In Santa Clara County, **41%** of the unhoused population identified as Hispanic/LatinX.¹⁷

In a 2024 survey conducted in Sacramento County, **33%** of the unhoused population identified as Black.¹⁸

RECOMMENDATIONS

Rather than take adequate measures to address homelessness as proposed to the United States in previous UPR cycles, the U.S. is instead implementing aggressive measures to punish the unhoused population for experiencing homelessness.¹⁹

In 2020, the U.S. received several recommendations, including to steps to end the criminalization of poverty and take adequate measures to reduce homelessness amongst vulnerable populations.²⁰

The U.S. has not complied with those recommendations, instead encouraging criminalization of homelessness through the 2024 Grants Pass decision.²¹

1. The U.S. should **prohibit the criminalization of homelessness** and protect vulnerable populations.²²
2. The U.S. should **encourage states and local governments to address the root cause** of homelessness, which is a lack of deeply affordable housing.²³

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10. *Id.*
11. *Id.*
12. International Convention on the Elimination of All Forms of Racial Discrimination, art. 5, § (e)(iii), adopted Dec. 21, 1965, 660 U.N.T.S. 195, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.
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14. *Id.*
15. *U.S. Census Bureau, American Indian and Alaska Native Alone or in Combination with One or More Other Races: 2021*, U.S. Census Bureau, <https://data.census.gov/table/ACSDT1Y2021.B02010?q=B02010:+AMERICAN+INDIAN+AND+ALASKA+NATIVE+ALONE+OR+IN+COMBINATION+WITH+ONE+OR+MORE+OTHER+RACES&g=010XX00US&tid=ACSDT1Y2021.B02010>.
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23. *Id.*



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ACCESS TO ABORTION

Since its last UPR process in 2020, the United States has adopted regressive measures in the area of access to abortion. The U.S. has violated its human rights obligations by overturning *Roe v. Wade*, allowing for the implementation of state laws

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As of April 2026, 13 U.S. states have full bans on abortion;¹ many do not allow exceptions for rape, incest, fetal anomaly, or threats to a pregnant person’s physical health.² Medical providers warn that exceptions that do exist are extremely difficult to follow & apply,” leaving doctors in fear of large fines, imprisonment, or loss of licenses.³

CONFUSING STATE ABORTION LAWS

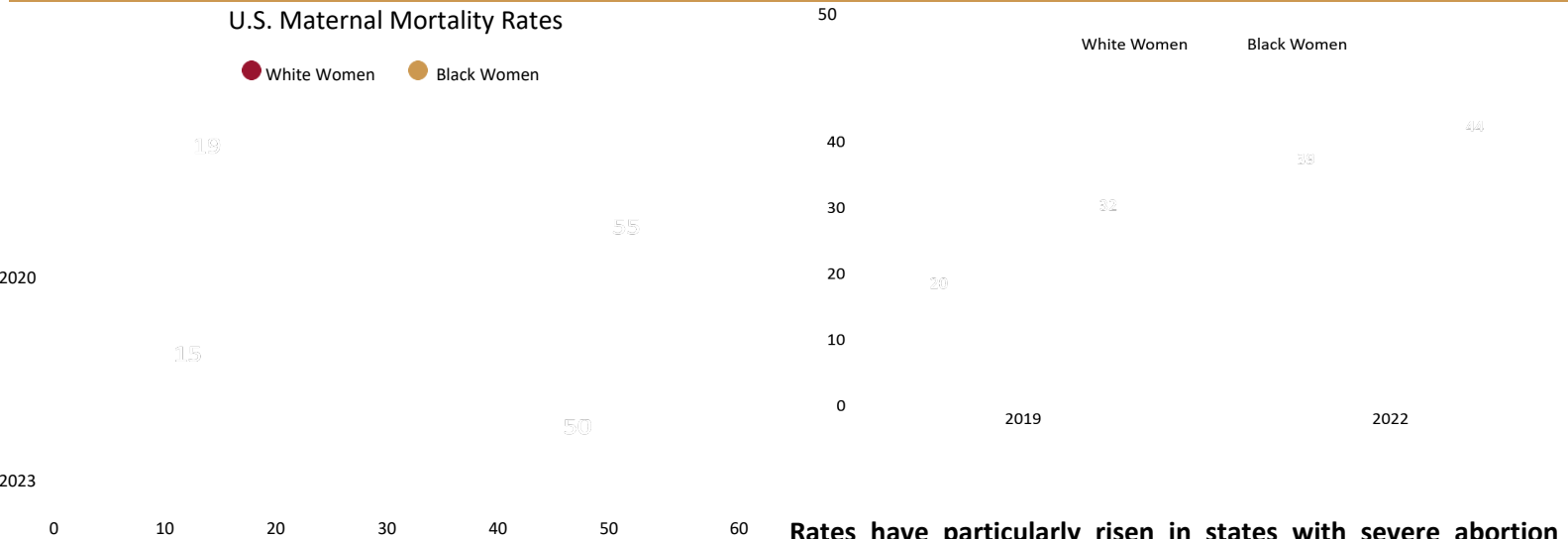
The U.S. has violated the prohibition against CIDT under CAT & ICCPR Article 7 by allowing abortion bans to impose confusing legal restrictions, which cause healthcare providers to withhold or delay necessary, adequate, and timely healthcare.⁴

In July 2022, **Amber Thurman**, a single mother living in Georgia developed a rare complication after taking abortion pills she got in North Carolina. For 20 hours, and despite sepsis & organ failure, Amber’s doctors delayed providing a routine procedure to clear dead fetal tissue remaining in her uterus. **Amber later died during the routine procedure.**⁵

In October 2023, **Nevaeh Crain**, a pregnant teenager in Texas, made three emergency room visits where doctors repeatedly ignored signs of sepsis. Instead, Nevaeh’s doctors insisted on two ultrasounds to confirm there was no fetal heartbeat. **Nevaeh died of internal bleeding & organ failure.**⁶

DISPROPORTIONATE IMPACT ON WOMEN OF COLOR

State statutes criminalizing abortion have increased maternal mortality rates, disproportionately impacting minority groups & their right to nondiscriminatory medical care, in violation of CERD Article 5 & ICCPR Article 26.⁷



In 2020, the U.S. maternal mortality rate for white women was 19.07 deaths per 100,000 live births, and 55.3 for Black women.⁸ In 2023, this disparity widened, with white women at a rate of 14.5 and Black women 50.3.⁹

Rates have particularly risen in states with severe abortion restrictions.¹⁰ After the passage of Texas’ restrictive abortion ban, the rate for White women grew from 20 to 39.1; among Black women, the rates grew from 31.6 to 43.6.¹¹

Texas Maternal Mortality Rates

FURTHER IMPACT ON LOW-INCOME WOMEN OF COLOR

The U.S. violates Article 1 of CERD and Article 26 of the ICCPR by refusing to fund health services needed only by women and by disproportionately denying abortion access to low-income women of color.¹²

Even in states allowing abortion, **the Hyde Amendment effectively blocks abortion coverage for Medicaid enrollees “in most circumstances,”** unless states use their own funds.¹³ Restricting federal funding for abortion services impacts people of color who disproportionately rely on Medicaid for health care coverage.¹⁴

PAST RECOMMENDATIONS AND GOVERNMENT INACTION

During the previous UPR, the U.S. received recommendations to ensure that women and girls have access to sexual & reproductive health care services.¹⁵ The U.S. responded by affirming that it is the policy of the United States to support the sexual & reproductive health rights of women and girls.¹⁶

But **the U.S. has not yet implemented those recommendations.** Instead, the United States has violated the human rights of women by allowing the implementation of these restrictive abortion laws.

RECOMMENDATIONS.

The U.S. should adopt legislation that enshrines a nondiscriminatory right to abortion for all pregnant people.

The U.S. should standardize how it measures and tracks maternal mortality, disaggregated by race.

The U.S. should repeal laws that criminalize abortions. At a minimum, the U.S. must guarantee access to abortion in cases of severe fetal anomaly, rape, incest, & where the pregnant person’s life is at risk.

The U.S. should repeal discriminatory funding restrictions, like the Hyde Amendment, that disproportionately deny abortion to low-income women of color.¹⁷

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