

El-Hak Foundation for Freedom of Opinion and Expression and Human Rights

Shadow Report on the Human Rights Situation in the United States of America

Submitted to the Universal Periodic Review Mechanism

- 53rd Session (2 - 13 November 2026)

Introduction and Background

1. The United States of America is undergoing the Universal Periodic Review (UPR) during the fifty-third session of the UPR Working Group, in an era characterized by structural and radical shifts in state policies and its posture toward international human rights mechanisms and internal constitutional and legal obligations. This review acquires exceptional historical significance due to the unprecedented procedural trajectory that accompanied it. Originally, the United States was scheduled to undergo the review during the fiftieth session; however, the US administration decided to boycott the session, and its diplomatic delegation was entirely absent from the Human Rights Council chamber on November 7, 2025. Consequently, the United States is the second country in history to boycott its Universal Periodic Review, following Israel in 2013.
2. This boycott reflects an undermining of a mechanism designed to be a global platform based on constructive dialogue and peer review. In response to this absence, the Human Rights Council adopted a resolution (A/HRC/OM/19/L.1) on November 7, 2025 (the day of the scheduled session), which rescheduled the US review to be held during the fifty-third session in the period from 2 to 13 November 2026, with an urgent demand for the State to resume its effective cooperation with the UN mechanism.
3. The preparation of this analytical report coincides with a global decline in democratic indicators, which clearly manifested in US policies pursued during 2025 and 2026. The State has moved towards adopting policies and laws that promote isolationism, marginalize minorities, and systematically target civic space. UN mechanisms and international non-governmental organizations have documented a marked exacerbation in violations related to structural racism, migrants' rights, criminal

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justice, judicial independence, and freedom of expression.

4. This report highlights the widening gap between US obligations and the pledges it made during its third review cycle (November 2020), and actual practices. The report aims to provide a comprehensive, evidence-based assessment of the current human rights situation, along with the formulation of practical, state-directed recommendations.

Overview of the Human Rights Situation

Retreat from International Obligations and Undermining the Multilateral System

10. During the third cycle of the Universal Periodic Review, the United States received recommendations urging it to enhance its cooperation with UN bodies, return to the membership of the Human Rights Council, and ratify treaties (Recommendations 26-64 to 26-89). However, recent developments reflect a regressive path, as the current administration has adopted an approach utilizing its influence to undermine these bodies.
11. In January 2025, the withdrawal of the United States from the World Health Organization (WHO) and UNESCO was announced once again, alongside the freezing of funding for UNRWA and the abandonment of the Paris Agreement on climate change. Furthermore, according to Amnesty International reports, the administration announced plans to withdraw from 66 additional international institutions and forums, reflecting an isolationist policy aimed at evading international accountability.
12. The United States ignored recommendations calling for the lifting of sanctions imposed on the International Criminal Court (ICC). In February 2025, the executive branch issued new orders imposing strict restrictions and sanctions on Court officials and their families, in order to intimidate the judicial body and obstruct its investigations.
13. Human rights organizations considered the US absence from its session on November 7, 2025, an attempt to evade accountability, thereby encouraging global authoritarian practices.

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Structural Racism and Militarization of Law Enforcement

14. The State ignored recommendations related to eliminating racial profiling and the excessive use of force (Recommendations 26-112, 26-218 to 26-239). Instead, the years 2025 and 2026 witnessed a deliberate deepening of racial divisions.
15. The US administration issued executive orders eliminating all federal programs related to Diversity, Equity, and Inclusion (DEI), leading to the dismantling of initiatives aimed at addressing racial disparities. On March 11, 2026, the Committee on the Elimination of Racial Discrimination (CERD) warned that racist hate speech issued by political leaders has resulted in grave human rights violations.
16. On the ground, law enforcement tactics have taken on a militarized character. The administration exploited its authorities to deploy National Guard troops to suppress assemblies, which was documented by Amnesty International in its report issued on January 20, 2026, entitled "Ringling the Alarm Bells," noting that militarization has become the "new normal."
17. This trajectory provoked condemnation from the African Union, which designated 2025 as the year of "Justice for Africans and People of African Descent Through Reparations," demanding the elimination of systemic racial discrimination.

Immigration Policies, Asylum Seekers' Rights, and Risks of Refoulement

18. The administration systematically ignored recommendations (26-327 to 26-347) demanding an end to "zero tolerance" policies and the establishment of alternatives to detention.
19. The percentage of individuals detained by Immigration and Customs Enforcement (ICE) without any criminal record rose from 6% in January to 41% by December 2025. These arbitrary arrests recorded a jump of 2,450% according to data from the American Immigration Council.
20. The federal 287(g) program was expanded, transforming local police into immigration agents. This approach received temporary judicial cover from the Supreme Court, which issued a stay of execution (Stay) via the "shadow docket" on September 8, 2025, in the case of (*Noem v. Vasquez-Perdomo*). Although the

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decision is not a final ruling on the merits of the case, its practical effect allowed immigration agencies to resume profiling based on ethnic appearance or spoken language.

21. The administration utilized the "Alien Enemies Act" of 1798 to deport migrants. In March and April 2025, 252 Venezuelan migrants were forcibly deported to El Salvador and confined in the maximum-security (CECOT) prison, where they were subjected to torture, sexual assault, and enforced disappearance, according to documentation by Human Rights Watch.
22. By the end of November 2025, ICE added 104 new detention facilities. The number of deaths in detention during 2025 exceeded the total fatalities in the previous four years combined.

Indicator / Policy	Status of Previous Recommendations	Documented Facts (2025-2026)
Racial Profiling	Not implemented	Supreme Court decision (<i>Noem v. Vasquez-Perdomo</i>) temporarily stayed the ban on profiling, allowing stops based on ethnicity and language.
Detention Conditions	Not implemented	Addition of 104 new detention facilities; 2025 fatalities exceed the previous four years combined.
Arbitrary Arrests	Not implemented	Rise in detainees without criminal records to 41%, and a 2450% increase in arrests.
Forced Return	Explicit violation of	Deportation of 252 Venezuelans to CECOT

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Indicator / Policy	Status of Previous Recommendations	Documented Facts (2025-2026)
(Refoulement)	conventions	prison, stripping them of safeguards and subjecting them to torture.

Shrinking Civic Space, Freedom of Expression, and Peaceful Assembly

24. In contradiction to pledges to protect freedom of expression (Recommendations 26-269 to 26-272), journalists and human rights defenders have been targeted.
25. The administration revoked journalists' credentials to penalize them. In July 2025, the House of Representatives approved a massive "rescission" package totaling \$9 billion (mostly comprising foreign aid), and specifically stripped independent public broadcasting networks (such as NPR and PBS) of allocations amounting to \$1.1 billion, severely weakening their operational capacity.
26. State apparatuses and facial recognition technologies were employed to revoke the visas of peaceful dissidents and deport them, creating an authoritarian environment that suffocates civic space.

Criminal Justice System and the Death Penalty

27. The United States continues to incarcerate minors at a rate double the global average, and is the only country that imposes sentences of life imprisonment without the possibility of parole on children. These practices disproportionately affect racial minorities (Recommendation 26-263).
28. The State ignored dozens of recommendations to impose a federal ban on the death penalty (Recommendations 26-178 to 26-209), continuing to apply it in a manner that reflects racial bias in the justice system.

Legal and Human Rights Analysis of Violations

29. The documented practices (2025-2026) constitute grave legal breaches of international obligations under the treaties ratified by the United States.

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30. **Principle of Non-Refoulement:** The deportation of 252 Venezuelans to the CECOT prison in El Salvador is a blatant violation of Article (3) of the Convention Against Torture (CAT). The authorities' refusal to disclose their fate amounts to an "enforced disappearance" prohibited under Article (9) of the International Covenant on Civil and Political Rights.
31. **Institutionalization of Racial Discrimination:** The resumption of racial profiling, supported by the temporary stay of execution in the case of (*Noem v. Vasquez-Perdomo*), contradicts Article (2) and Article (5) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
32. **Erosion of Civic Space:** Repressive measures against journalists and the targeting of public broadcasting constitute breaches of Articles (19) and (21) of the International Covenant on Civil and Political Rights.
33. **Child Rights:** Condemning children to life imprisonment without the possibility of parole contradicts the global consensus and peremptory norms that prohibit the imposition of severe penalties on juveniles.
34. **Undermining International Accountability:** Imposing sanctions on International Criminal Court officials represents an obstruction of efforts to end impunity and a violation of international cooperation.

Recommendations

35. Based on the documented regression, the report recommends that the United States of America:

First: Institutional Framework and Multilateral Cooperation

- Revoke executive orders imposing sanctions on officials of the International Criminal Court.
- Resume effective participation and funding for the UN system, cancel decisions to withdraw from international organizations and conventions, and engage genuinely in the Universal Periodic Review mechanism.
- Urgently ratify pending conventions, specifically the Convention on the Rights of the Child and CEDAW.

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Second: Racial Justice and Law Enforcement Reform

- Enact binding legislation prohibiting racial or linguistic profiling by immigration departments and law enforcement agencies, in response to CERD warnings.
- End militarization and the use of National Guard forces in suppressing peaceful protests.
- Revoke orders banning diversity and inclusion programs, and engage with the African Union's initiatives for reparatory justice.

Third: Protection of Migrants and Asylum Seekers' Rights

- Immediately halt summary deportations and forced returns, and stop using the "Alien Enemies Act" as a tool to bypass due process.
- Open a transparent investigation into the deportation of Venezuelans to the CECOT facility in El Salvador, and provide fair compensation to victims of torture and enforced disappearance.
- End the detention of immigrants not convicted of criminal offenses, downsize the growing detention infrastructure, and terminate the 287(g) program.

Fourth: Civic Space and Freedom of Expression

- Protect media independence and restore the cancelled financial allocations (\$1.1 billion) to independent public broadcasting networks.
- Cease retaliation and the targeting of journalists and human rights defenders through arbitrary immigration procedures and surveillance.

Fifth: Criminal Justice

- Abolish laws permitting the issuance of sentences of life imprisonment without the possibility of parole for minors.
- Impose an immediate federal moratorium on the execution of the death penalty as a preliminary step toward its complete abolition.