



UNITED STATES OF AMERICA

SUBMISSION TO THE
UNIVERSAL PERIODIC REVIEW



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Submission to the Universal Periodic Review of United States of America
36th Session, 2-13 November 2020

The 36th session of the UPR Working Group was originally scheduled to take place on 4 –15 May 2020 but was postponed to 2–13 November 2020 due to the COVID-19 pandemic. <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25733&LangID=E>

Submitted in original language: English

Submitted on 3 October 2019

15 pp.

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Joint submission for the UPR of the USA

36th session of the UPR Working Group¹

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<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25733&LangID=E>

I. Increased military spending to the detriment of investment in economic and social rights

1. “The USA is one of the world’s richest, most powerful and technologically innovative countries; but neither its wealth nor its power nor its technology is being harnessed to address the situation in which 40 million people continue to live in poverty,” rightly concluded the Special Rapporteur on extreme poverty and human rights, Philip Alston, at the end of his country visit to the USA in December 2017.²

2. That wealth is, rather, squandered in a growing defence budget. Indeed, in April 2019 the Stockholm International Peace Research Institute (SIPRI) reported that the US military spending had grown – for the first time since 2010 – by 4.6%, reaching USD 649 billion in 2018. SIPRI further stated that the USA remained by far the largest military spender in the world, having spent almost as much on its military in 2018 as the next eight largest-spending countries combined (i.e. China, Saudi Arabia, India, France, Russia, the United Kingdom, India and Japan combined.)

3. The US budget priorities for 2020 were proposed at a record USD 4.746 trillion with nearly 60% of all federal discretionary spending earmarked for the Department of Defense. This does not include the emergency funding the department receives, which has also been accessed for the non-emergency purpose of militarising the border.

4. Prioritising militarisation, defence, and security programs has overridden the rightful distribution of resources by divesting from education, food programs, protections for vulnerable populations such as people with disabilities, and programs for victims of violence, to name a few. According to Philip Alston, these dramatic cuts in welfare systems affect the over 40 million people living in poverty in the USA by removing an already porous safety net while simultaneously widening the gap between those who can afford social services and health care and those who face increasing

² See: Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, Washington, 15 December 2017, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E>

barriers. In fact, rather than reimburse the taxes and welfare pay-ins which citizens, residents, and migrants pay federally, the most vulnerable are rather subjected to paying more out of pocket for health emergencies, tickets and court fees due to over policing, and poll taxes due to gerrymandering.

5. Poverty exacerbates the barriers for racial and ethnic minorities in the USA which is demonstrated by the disparities in the health gap and the criminal justice system. Impoverished communities that are also racial and ethnic minorities are over policed, lack healthy food options – food deserts – lack access to adequate educational opportunities and suffer more environmental health risks. Funding for social services are increasingly cut in order to fund the military and national defence. Furthermore, the No Child Left Behind Education Act of 2001 gives military personnel the same access to schools as college recruiters; this means that students are offered the opportunity for paid higher education by way of becoming combat soldiers. This is to say that, in poor communities, accessing higher education is an expensive risk of debt for poor students, unless they first commit to serving in the military.

6. The main social welfare programs in the USA are designed to help poor families, the elderly and people with disabilities, but they often do not give the necessary attention to childless adults living in poverty. They are often among the poorest but the 41% has never received assistance by any of the major welfare programs. For example, the Earned Income Tax Credit (EITC) program allows low income families to be excluded by federal taxation if their income is under a certain line. However, very few childless families meet the requirements and they are often excluded by the program, as a result they are excluded from receiving a cash/tax benefit.

7. One of the notable outcomes of the health and services gap and rapidly increasing income inequality is a semi-permanent population of internally displaced persons. Collectively labelled “homeless” despite their markedly different causes of displacement, this population is subjected to criminalisation, intentional destruction of their shelter and belongings by law enforcement, and denied access to basic sanitation facilities. By the conservative estimate of US Department of Housing and Urban Development's Annual Homeless Assessment Report, in 2018 there were 553,000 people who lacked housing. This number does not consider those who are living with significant housing insecurity. In her report to the Human Rights Council, Leilani Farha, the Special Rapporteur on adequate housing, examines how homelessness is caused by states' failure to respond both to individual circumstances and to a range of structural causes: abandoning the responsibility for social protection in the context of unprecedented urbanisation, implementing laws and policies that discriminate against homeless

people, failing to adequately regulate real estate markets, land distribution and private actors in keeping with human rights obligations.

Recommendations

- Implement policies that move away from military spending and instead focus on investments in programs, services, and legal assistance options which are critical for the security and safety of those disproportionately affected by poverty, namely racial and ethnic minorities and women, thus promoting social cohesion and gender equality. Expand the earned income tax credit (EITC) to include low-income workers without custodial children and increase the federal minimum wage to a liveable wage.
- Invest into mandatory spending for welfare and social resource programs, including a single payer healthcare program, and restrict any divestment from those programs which are paid into, such as social security.
- Take appropriate legislative and practical measures that ensure the end of residential segregation which creates environmental challenges such as reduced funding for schools, communities that are rampant with military recruitment and land grabbing for building prisons/detention centres, and promotes the destructive cycle of gentrification and its consequential displacement.
- Issue a decree on compulsory maternity leave and equal wages for men and women. Eliminate discrimination against women by introducing paid maternity leave and providing equal pay for women for the same work.
- Implement the recommendations made by the Special Rapporteur on adequate housing to:
 - Immediately review and repeal any and all laws, policies or measures that discriminate directly or indirectly against internally displaced persons or criminalize, impose fines on or restrict them or behaviour; and to
 - Ensure access to hearings and effective remedies to internally displaced persons for violations of their rights.

II. Situation at the USA-Mexico Border

9. The funds allocated to Immigration and Customs Enforcement (ICE), Executive Office for Immigration Review (EOIR) and Custom and Border Protection (CBP) increased from USD 15.8 billions in 2010 to USD 23.1 billions in 2019, further militarising the USA-Mexico border. Though such defence spending is said to be for security measures, the immigration practices and policies such as the “Zero

Tolerance” interpretation of Immigration Code 1325 and the recent Migrant Protection Protocols program, implemented at the USA-Mexico border have led to gross human rights violations, including inhumane treatment of asylum seekers at US ports of entry, broadened jurisdiction and racial profiling leading to illegal arrests and detention of US citizens and residents, and deaths of impoverished and indigenous children while in custody of the US Border Patrol.

10. A zero-tolerance policy adopted by the Attorney General in April 2018, directed US Attorney’s Office along the Southwest border to criminally prosecute attempted illegal entry and illegal entry into the USA by an alien under Section 1325 (a) of the US immigration code. This resulted in families travelling with their children, including asylum-seeking families, being automatically separated and subjected to criminal prosecution as a punitive deterrent from migrating to the country. It is the most prosecuted federal offense in the USA and contributes to the blight of mass incarceration by incarcerating and detaining immigrants in US federal prisons and detention centres, most of which are privately run for profit.

11. Nearly 3,000 children, including newborns, have been separated from their parents in 2018, with another 1,000 taken since a federal judge’s injunction in July 2018. The illegal and cruel practice of separating the children of asylum-seekers and border crossing migrants from their parents will have severe and lasting harm as underlined by several UN Experts.³ This and other practices when apprehending asylum seekers who are following the legal process of reporting to a port of entry, occur because the US government treats them as criminals who are trespassing, rather than asylees seeking protection. Once detained, migrants – and some citizens who have been racially profiled and/or live within the 100 mile “no constitution zone” where USCBP has broad jurisdiction – are exposed to rampant physical, mental, and sexual abuse, unhygienic conditions, and little to no medical care.

12. Moreover, ICE was reported to prevent detained migrants from contacting attorneys when they looked for legal assistance to pursue their cases.⁴

³ UN Experts, “Migrant caravan: States have duty to protect human rights”, Geneva, 28 November 2018, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23941&LangID=E>

⁴ See, for example: <https://www.aclunc.org/news/aclu-seeks-court-order-against-ice-guarantee-detained-immigrants-access-lawyers>.

13. In 2014, the Committee against Torture reminded the USA of its obligations under the Convention to respect and protect the rights of refugees, asylum seekers and migrants and made several recommendations in this regard.⁵

14. In its first UPR cycle (UPR I), the USA supported many recommendations on the respect and protection of the human rights of migrants, including one to “avoid the criminalization of migrants and ensure the end of police brutality, through human rights training and awareness-raising campaigns, especially to eliminate stereotypes and guarantee that the incidents of excessive use of force be investigated and the perpetrators prosecuted”.⁶ Regrettably, in its second UPR cycle (UPR II), it only noted recommendations relating to investigations and accountability for the deaths of migrants by customs and border patrols⁷; guarantee the right to family reunification of migrants held in detention.⁸

Recommendations

- Repeal section 1325 of the US immigration code, reversing the interpretation that allows for cruel “zero tolerance” and family separation policies, and rendering unauthorized migration – free of any trafficking attempt – as a civil instead of a criminal offence, in line with what recommended by the Committee on the Elimination of Racial Discrimination in 2014.
- Reinstate the asylum category defining domestic violence and sexual assault cases as victims of violence.
- Abolish the failing Immigration and Customs Enforcement agency, divest from the privatization of detention centres profiting from ICE raids, and invest in an oversight committee that reviews resettlement assistance in centres under the management of the Office of Refugee Resettlement and the Administration for Children and Families and in partnership with health and mental health professionals.

⁵ CAT Committee, “Concluding observations on the combined third to fifth periodic reports of the United States of America”, 19 December 2014, available at: <https://uhri.ohchr.org/Document/File/79c2a87f-9133-4134-a720-451dde3eae19/939a376a-f0ad-4023-8b64-671f5aa633bf>.

⁶ Recommendation 92.105 (Uruguay).

⁷ 176.229 “Investigate cases of deaths of migrants by customs and border patrols, particularly those where there have been indications of an excessive use of force, and ensure accountability and adequate reparation to the families of the victims” (Mexico).

⁸ 176.338 “Guarantee the right to family reunification of migrants held in detention and continue with the efforts to protect the human rights of migrant persons, particularly their economic, social and cultural rights” (Paraguay).

- Investigate cases of deaths of migrants by customs and border patrols, particularly those where there have been indications of an excessive use of force and ensure accountability and adequate reparation to the families of the victims.

III. Mass Incarceration and Securitisation

16. The USA locks up more individuals than any other country worldwide. At the rate of 698 per 100,000 residents, this translates to 2.3 million people currently incarcerated, with over half being in state prisons. The Eighth Amendment to the Constitution states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Despite this, the majority of those currently imprisoned are nonviolent offenders and are awaiting trial – meaning that they have not yet proven guilty and are imprisoned due to not being able to pay bail and are waiting on an overwhelmed court process due to not being able to afford private legal counsel. The inequality of the cash bail system ensures that hundreds of thousands of legally innocent residents remain imprisoned and benefit the prison industrial complex through profit, bail bonds industry, prison labour, and fees for necessities while incarcerated. Those suffering the most are the poor. Including detained immigrants, the majority of prisoners are overwhelmingly black Americans, Latino citizens and immigrants, and Native Americans.

17. Incarcerated pregnant women – both in prisons and migrant detention centers – are often subject to inhumane practices, such as being chained while giving birth, being left alone in a cell without medical treatment during pregnancy or birth, or suffering miscarriages due to lack of medical attention, mistreatment, or stress.⁹ In 2014, the Committee against Torture noted “that 19 states have enacted laws restricting the shackling of pregnant inmates and that such legislation has been under consideration in a number of other states. The Committee is nevertheless concerned at reports that, in certain cases, incarcerated women are still shackled or otherwise restrained throughout pregnancy and during labour, delivery and post-partum recovery (arts. 2, 11, 12, 13, 14 and 16).” Penal labour, which refers to prisoners contracted for work by government and private operations, exacerbates poverty. Prisoners are paid far less than the federal minimum wage of \$7.25 – with some prisoners being paid less than 11 cents an hour for manual labor such as sewage cleaning. Such wages do not

⁹ See, for example, <https://www.theguardian.com/us-news/2019/jul/31/us-immigration-detention-centers-pregnant-migrant-women>; and <https://www.aclu.org/blog/prisoners-rights/women-prison/new-bill-would-ensure-no-woman-forced-give-birth-chains> . See also <https://www.themarshallproject.org/records/319-pregnant-inmates> .

enable prisoners to cover personal debts and family obligations.¹⁰ Many prisons also charge prisoners or their families for phone calls, which further places financial burdens on them and their families.

18. While incarceration rates are exacerbated by the “War on Drugs” campaign and the increase in immigration raids, federal, state, and local law enforcement agencies have become increasingly militarized by receiving funds, training, and incentives for using former or surplus military supplies and gear while policing their communities. This is complemented by the rise in policies that both criminalize and violate human rights. For example, the First Amendment to the Constitution protects the right to protest and, yet, as of July 2019, 18 states have attempted to pass anti-protest laws with felony punishments of up to 10 years in jail and a USD 500,000 fine – on par with some state attempted murder charges – for civil disobedience against any oil and gas (and some fossil fuel) project. As of now, 16 states have been successful in enacting these laws which prioritize private interest over people and land. These attempts are in direct response to the Dakota Access Pipeline Protests by the Standing Rock Sioux Tribe from 2017-18. As such, these carceral policies are aimed at First Nations peoples, furthering marginalizing and creating a direct pathway to incarceration while violating several treaties between the US government and Native American peoples. Law enforcement present at Standing Rock is documented to have used extreme force and violence against peaceful protestors, including water cannons (in freezing temperatures), rubber bullets, attack dogs, and pepper spray. Known as “crowd-control gear,” the USA sells such gear and trains on tactics for protests abroad. Such tactics have also been used at numerous peaceful mass protests across the USA including actions by Black Lives Matter, and civil and religious groups protesting the immigration raids.

Recommendations

- End the cash bailout system in accordance with the Eighth Amendment.
- Divest from the privatization of prisons as the for-profit model creates a monetary incentive to imprison as many people as possible. Invest in diversion courts, restorative justice, and prison programs which educate and rehabilitate convicted prisoners.
- End non-paying prison labour programs and pay the minimum wage to prisoners to be made available for necessities while imprisoned, payments for child or family support, or to be paid upon release. Any work completed during incarceration should also qualify as a certified work experience to help released individuals build their work experience.

¹⁰ <https://www.newsweek.com/prison-slavery-who-benefits-cheap-inmate-labor-1093729>.

- Implement the Committee against Torture’s recommendations to “revise the practice of shackling incarcerated pregnant women, bearing in mind that the prison regime should be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children.”¹¹
- End the “War on Drugs” and invest in social programs addressing drug use as a preventive measure and much-needed harm reduction programs for people who use drugs.

IV. Climate Crisis

20. According to a report of the US Global Change Research Program, climate change impact is already visible in the USA, “presenting growing challenges to human health and safety, quality of life, and the rate of economic growth”. Under the current administration, the USA decided to withdraw from the Paris Agreement on climate change and has divested from environmental protective efforts, again, to invest in discretionary military spending. Though climate change is a serious and actual threat, the USA should be cautioned against viewing it as a national threat to be handed to the military such as responses to national disasters. Current funds for natural disaster responses by the military have been divested into other national security spending such as the deployment of troops to the USA-Mexico border and building the border wall. This is not the response that is needed to properly address the climate crisis and its consequences. What’s more, the US military is one of the world’s largest polluters,¹² producing more greenhouse gases than an estimated 140 countries combined, adding to the rising costs of war and militarization worldwide.

21. The US energy policy is still mostly based on fossil fuel sources (80%) and the oil and gas industries benefit of a favourable taxation (they received USD 12.3 billion in tax relief between 2016 and 2020.) The share of renewable energy consumption is around a mere 11%.

Recommendations

- Reinstate the Paris Climate Agreement and develop a national action plan to achieve the previous commitments made under it.
- Protect those who are most affected by the impact of climate change and include local and tribal knowledge in climate change mitigation and adaptation policies.

¹¹ CAT/C/USA/CO/3-5 (CAT, 2014), December 2014, paragraph 20.

¹² See: The US military is a bigger polluter than more than 100 countries combined, available at: <https://qz.com/1655268/us-military-is-a-bigger-polluter-than-140-countries-combined/>.

- Invest in renewable energy efforts and provide tax breaks for social agencies and housing purchases which incorporate renewable energy in their building.
- Declare a climate emergency.

V. Nuclear Weapons

23. The USA is currently in the midst of a massive nuclear weapon “modernisation” programme, which includes extending the lives of existing weapon systems and creating new nuclear weapon capacities. Many of the nuclear warhead laboratories, test facilities, and warhead production sites are also undergoing extensive modernisation. In fiscal year 2019, nuclear weapon expenditure in the USA has risen to about USD 34 billion per year, up 13% from the previous year. Nuclear weapons constitute about 4% of overall US military spending, and is expected to rise to 6–7% in the 2020s. The expected overall 30-year cost of US nuclear weapons now exceeds USD 2 trillion.¹³ At the same time, the US administration’s proposed 2020 budget massively cuts funding for social safety net programmes, including Social Security, Medicare, Medicaid, food stamps, housing assistance, and family assistance.¹⁴ Furthermore, the USA recently withdrew from the Intermediate-range Nuclear Forces (INF) Treaty with Russia and has indicated that it might not negotiate a follow-on to the Strategic Arms Control Treaty, which limits deployments of US and Russian strategic nuclear weapons.¹⁵ Thus, it is walking away from decades of nuclear arms control agreements whilst spending trillions of dollars on a new nuclear arms race, putting not only its own citizen’s welfare at stake but the entire world in peril.

Recommendations

- Re-enter bilateral nuclear arms control and limitations agreements and negotiate follow-ons as relevant.
- Join and encourage other nuclear-armed states to join the Treaty on the Prohibition of Nuclear Weapons, working with other states parties to agree on and implement a plan for the elimination of nuclear weapons and related programmes.

¹³ Greg Mello, “United States,” in *Assuring destruction forever: 2019 edition* (New York: Reaching Critical Will of the Women’s International League for Peace and Freedom, 2019), pp. 20-22.

¹⁴ Michael Hiltz, “Trump’s budget would eviscerate the social safety net but provide welfare for the rich,” *Los Angeles Times*, 12 March 2019, available at: <https://www.latimes.com/business/hiltzik/la-fi-hiltzik-trump-budget-20190312-story.html>.

¹⁵ Zia Mian, “The INF Treaty and the crises of arms control,” *Bulletin of the Atomic Scientists*, 24 October 2018, available at: <https://thebulletin.org/2018/10/the-inf-treaty-and-the-crises-of-arms-control>.

- Redirect spending from nuclear weapons toward social welfare programmes and the development of renewable energy.

VI. Arms exports

25. The USA has further solidified its position as the world's leading arms supplier. A SIPRI report on international transfers of major weapons stated that US exports increased to 36% of the global total from 30% in the last five years, widening the gap between the USA and the rest of the world. It currently exports arms to at least 98 countries; exports include combat aircraft, short-range cruise and ballistic missiles, and guided bombs. It also exports military advice, gear, and tactics training for use by law enforcement agencies against their own local communities. The current administration has worked to relax oversight of overseas gun sales shifting the charge from the State Department to the Commerce Department. US arms sales – both legal and illicit – foment instability and conflict,¹⁶ which play a major role in driving people from their home communities, thus, contributing to the growing rates of irregular migrants and asylum seekers, most especially from the Americas.¹⁷

26. In July 2017, the Committee on the Rights of the Child (CRC) urged the USA to prohibit arms exports and military assistance to countries where children are known to be, or may potentially be, recruited in armed conflict and/or hostilities. The CRC expressed concerns that US presidential partial and/or full waivers for arms exports and military assistance under Child Soldiers Prevention Act of 2008 “have been granted to some countries with records of violations of children’s rights under the Optional Protocol [to the Convention on the Rights of the Child on the involvement of children in armed conflict], including the recruitment and use of child soldiers”.¹⁸

27. The USA has continued to export weapons to Saudi Arabia, the UAE and other members of Saudi and UAE-led coalition involved in the Yemen conflict, despite overwhelming evidence that they have been used in attacks amounting to serious violations of international humanitarian law, including

¹⁶ Arms transfers have a well-documented and multi-faceted impact on human rights. For example, they facilitate the movement of the very same weapons – or ammunition – that are used to curtail human rights in direct and specific ways by militaries, paramilitaries, law enforcement groups, criminals and gangs.

¹⁷ See, for example, Beyond Our Borders, How Weak U.S. Gun Laws Contribute to Violent Crime Abroad: <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>

¹⁸ Concluding observations on the combined third and fourth reports submitted by the United States of America under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, UN Index: CRC/C/OPAC/USA/CO/3-4, paragraphs 37 and 38. For more information, see UN CRC Urges the USA to Stop Arms Exports to Countries with Child Soldiers, WILPF, available at: <https://www.wilpf.org/un-crc-urges-usa-to-stop-arms-exports-to-countries-with-child-soldiers/>.

air strikes against objects essential for the survival of the population in Yemen.¹⁹ In September 2019, in its report to the Human Rights Council, the Group of Eminent International and Regional Experts (GEE) on Yemen recalled the third State responsibility of the USA as one of the countries with influence on parties to the conflict in Yemen, including in relation to arms transfers.²⁰

28. In UPR II, the USA supported a recommendation to ratify the Arms Trade Treaty (ATT)²¹ explaining that it was preparing for Senate consideration of the ATT.²² In April 2019, the US administration announced that it would withdraw the USA's signature from the ATT²³ and, in July 2019, communicated to the UN Secretary General its intention not to become a party to it.²⁴

Recommendations

- Reinstating the democratic process of congressional oversight of arms exports to the State Department.
- Implementing the recommendation by the GEE on Yemen and prohibiting the authorization of transfers of, and refraining from providing, arms to parties to the conflict in Yemen, given the prevailing risk that arms provided to parties to the conflict may be used to commit or facilitate serious violations of IHL and international human rights law.²⁵

¹⁹ See, for example, "Yemen: US-made bomb used in deadly air strike on civilians commit human rights violations and war crimes", Amnesty International, available at: <https://www.amnesty.org/en/latest/news/2019/09/yemen-us-made-bomb-used-in-deadly-air-strike-on-civilians/>.

²⁰ "Situation of human rights in Yemen, including violations and abuses since September 2014 Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen", UN index: A/HRC/42/CRP.1, paragraphs 912-913.

²¹ 176.62 "Ratify the Arms Trade Treaty thus strengthening international regulation of the trade and transfer of conventional weapons, including small arms and light weapons" (Trinidad and Tobago).

²² Source of its position: UN index: A/HRC/30/12/Add.1 (UPR, 2015) para. 20, available at: <https://uhri.ohchr.org/document/index/6BDD62F4-CB37-42DF-A3E7-5740F6620AF6>

²³ <https://controlarms.org/blog/the-usa-announces-intention-to-withdraw-signature-from-the-arms-trade-treaty/>

²⁴ As indicated in the UN treaty database, "In a communication received on 18 July 2019, the Government of the United States of America informed the Secretary-General of the following: "This is to inform you, in connection with the Arms Trade Treaty, done at New York on April 2, 2013, that the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on September 25, 2013. The United States requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty, and all other publicly available media relating to the treaty be updated to reflect this intention not to become a party.""

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=_en#3

²⁵ Recommendations "To third States:

- States should take all reasonable measures designed to ensure respect for international humanitarian law by all parties to the conflict, taking into account their level of influence.

- Implement the CRC's recommendations to review its legislation with a view to withdrawing the possibilities of presidential waivers and prohibit arms exports and military assistance to all countries where children are known to be, or may potentially be, recruited or used in armed conflict and/or hostilities.
- Immediately suspend arms transfers and prohibit the authorization of transfers to any country where there is a clear risk that arms might be used to facilitate or commit serious violations of international human rights law and international humanitarian law.
- Revert its decision not to ratify the ATT and take immediate steps for its ratification.

VII. Full Implementation of Women Peace Security

30. In June 2019, the US Administration published its strategy on Women, Peace and Security (WPS), which responds to the Women, Peace, and Security Act of 2017. One of the stated objectives of the WPS Strategy is “to increase women’s meaningful leadership in political and civic life by helping to ensure they are empowered to lead and contribute, equipped with the necessary skills and support to succeed, and supported to participate through access to opportunities and resources.”²⁶ There is a clear linkage between domestic and outward looking activities for WPS implementation, and, thus, it is essential for the USA to have coherence within all its policies, including those related to domestic issues. This includes tackling root causes of conflict and preventing any form of gender-based violence.

31. It is relevant to point out that the USA is not a state party to CEDAW nor does its national constitution provide any assurance of equal rights to women. Similarly, the USA is not a state party to the CRC nor does its constitution provide any assurance of rights to children. Human rights education is not part of a national curriculum at any level of education and, where it does occur due to local legislation or the ad hoc intervention of civil society groups, it is often not aligned with international human rights treaty law.

- Considering the prevailing risk that arms provided to parties to the conflict in Yemen may be used to commit or facilitate serious violations of international humanitarian law and international human rights law, States should prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to such parties.” Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen. UN index: A/HRC/42/CRP .1, paragraphs 932 and 933.

²⁶ United States Strategy on Women, Peace, and Security, p.2, June 2019, available at: <https://www.whitehouse.gov/wp-content/uploads/2019/06/WPS-Strategy-FINAL-PDF-6.11.19.pdf>

32. USA's role in multilateral and bilateral diplomacy must uphold international human rights and international humanitarian law. Women's direct, equal and meaningful participation in all aspects of peace and security must be non-negotiable and safeguarded as a right. Taking one example of how the USA foreign policy can support advancement of peace, is the current opportunity for peace on the Korean Peninsula. With working-level USA-North Korea talks set to resume in October 2019, there could be a breakthrough for peace on the Korean Peninsula. It is more crucial than ever that US Congress play its role in creating the political space for the USA-North Korea talks to succeed. For the peace process to be successful, women must have a seat at the table. The Korea Peace Now Campaign (supported by WILPF) states " It's time to acknowledge that the root cause of the Korean nuclear crisis is the continuing state of war between the United States and North Korea. The Korean War is not over; we have yet to replace the 1953 ceasefire with a formal peace agreement." ²⁷ Sanctions have not only failed to stop North Korea's nuclear development, they are also increasing the suffering of the North Korean people.

33. Highlighting a second example, WILPF has underlined that "The US administration's exit strategy from Afghanistan should not come at the cost of Afghan women's rights. Such an approach to peace would be extremely short sighted as greater and meaningful participation by women leads to more comprehensive and long-lasting peace agreements. We urge the US administration to redress the current situation."²⁸

34. The US administration has been challenging references to gender, and sexual and reproductive health and rights in UN resolutions and outcomes. An example of that is this the latest UN Security Council on WPS, Resolution 2467 (April 2019), addressing sexual violence in conflict for which the US insisted that any language about sexual and reproductive health and rights be removed from the draft resolution, threatening a veto to the whole resolution otherwise.²⁹ As a result, specific references to these rights were removed from the final text.

²⁷ <https://koreapeacenow.org/take-action/united-states/>

²⁸ See WILPF Statement "No Peace Without Women's Rights" related to the adoption of the UPR outcome of Afghanistan https://www.wilpf.org/wilpf_statements/hrc41-statement-on-afghanistan/

²⁹ <https://www.peacewomen.org/security-council/security-council-open-debate-sexual-violence-conflict-april-2019> See also: <https://foreignpolicy.com/2019/03/14/at-united-nations-women-rights-gender-health-trump-diplomacy/> and <https://foreignpolicy.com/2019/09/18/trump-administration-steps-up-war-on-reproductive-rights/>

Recommendations

- Full implementation of Women Peace and Security agenda commitments nationally and internationally, including in the USA's role as a permanent member of the UN Security Council.
- Ensure women's participation is politically and financially supported including in current peace processes such as Yemen, Korean peninsula, Afghanistan and Syria.
- End the seven-decades old Korea war with a peace agreement including the women's equal participation.
- End its current policy of opposing references to gender, and sexual and reproductive health and rights in UN resolutions and outcomes.
- Promote the integration of human rights education and peace education into national curricula.