Statement to UN Human Rights Council, 46th regular session of the Human Rights Council (22 February to 23 March 2021)

Item 6: Universal Periodic Review

Statement on the USA

Migration/situation at the US–Mexico border

WILPF regrets that the US did not fully support recommendation 26.346 to “Guarantee respect for the life, dignity, security, and human rights of migrants and refugees; ensure adequate conditions in detention centers; prioritize the family unit and safeguard the best interest of the child.”1 WILPF welcomes the increase in annual refugee admission caps and the announcement of the creation of a task force to reunite migrant children with their families and of a review of the legal immigration system.2

The Biden administration must:

- end summary expulsions and family separation policies;
- reinstate explicit asylum protections for domestic violence and sexual violence survivors;
- abolish the Immigration and Customs Enforcement (ICE) agency;
- ensure investigation and accountability in cases of use of force by customs and border patrols and deaths of migrants;
- put a permanent end to building the border wall; and
- cease investments in the so-called “smart border” or “virtual wall,” which will only enhance the surveillance state and threaten more migrant lives.3

Military spending

For too long, critical infrastructure and public services in the United States have been neglected and underfunded. The US’ ever-increasing public spending in militarization, including of the police and border controls, has diverted much-needed resources away from public services. The funds allocated to 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 militarizing the US–Mexico border.

In April 2020 the Stockholm International Peace Research Institute (SIPRI) reported that the US military spending had grown by 5.3%, reaching USD 732 billion in 2019. 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 2019 as the next ten largest-spending countries combined.

---

1 The US stated that “346. See 331 and 333, para. 18. For unaccompanied children who enter the U.S., the Department of Health and Human Services considers the best interests of the child in all placement decisions. We support this recommendation in part because the best interests of a child is one factor – not the only factor – in determinations by immigration judges.” See A/HRC/46/15/Add.1, paragraph 19.


3 See, Biden’s Border, The industry, the Democrats and the 2020 elections https://www.tni.org/en/bidensborder
The US has spent about USD 6.4 trillion on war in the Middle East and Asia since 2001. It has dropped an average of 46 bombs per day over the past twenty years, has 800 military bases around the world, is engaged in seven “official” wars, and deploys troops or special forces to up to 134 countries. The US spends roughly USD 50 billion a year on its nuclear weapon program.

- The Biden administration must ensure no further squandering of wealth in military and security budgets. It must divest from weapons, demilitarize and redirect those funds to what is really needed in the country: human security based on human rights for all.

Racism/police brutality/gun violence

After the horrific levels of racist police brutality garnered international attention once again in 2020, WILPF was pleased to see a number of recommendations from states regarding racial justice, police violence, and gun control; these include recommendations 26.255, 26.238, 26.114, 26.215, 26.218 and 26.231. We regret the US noted some of these recommendations and that for those that it did support, the US heavily caveated its support.

- The US must implement all of these recommendations in a more inclusive lens focused on anti-racism and the abolishment of carceral systems and the surveillance state.

---

4 See, for example, Trump & Biden’s Secret Bombing Wars https://www.commondreams.org/views/2021/03/04/trump-bidens-secret-bombing-wars; White House acknowledges the U.S. is at war in seven countries https://www.vice.com/en_us/article/a3ywds/white-house-acknowledges-the-us-is-at-war-in-seven-countries; The US is now involved in 134 wars or none, depending on your definition of ‘war’ https://www.pri.org/stories/2014-09-16/us-now-involved-134-wars-or-none-depending-on-your-definition-war America’s Secret War in 134 Countries http://www.thenation.com/article/177964/americas-secret-war-134-countries.

5 26.255 “Continue to reduce the role of policing as a response to societal problems largely related to poverty, while investing in direct solutions to those problems that do not involve criminalization (Malta).” 26.238 Put an end to the structural racism and segregation and take measures to end the police misconduct and human rights violations documented and pursue structural reforms to reduce the role of police in addressing societal problems (State of Palestine); 26.114 Resolutely combat all forms of discrimination, by guaranteeing equitable access to justice, medical care and quality education, as well as by ensuring that the use of force and firearms by police are in compliance with human rights (Switzerland); 26.215 Take necessary measures to reduce gun violence, concerned at the large number of gun-related deaths and injuries, which disproportionally affect members of racial and ethnic minorities (Iceland); 26.218 Increase action to prevent excessive use of force by law enforcement officers, and ensure that relevant allegations are investigated and that perpetrators are prosecuted (Norway); 26.231 Adopt the necessary measures to combat racism and police violence including through the adoption of a comprehensive national plan to combat racial discrimination and to reform police surveillance at the federal, state and local levels; and ensure that police forces adhere to international standards on the use of force (Costa Rica).

US position on these recommendations:

255 “The U.S. supports investing in direct solutions to alleviate the personal and social problems surrounding issues of poverty.”

219, 238-239, 243. “We support these insofar as they recommend compliance with our international human rights obligations and our domestic law.” 112-114, 123, 127, 129-133, 136, 138, 145, 217, 224, 264, 268, 272, 275-277, 314, 321. We share the ideals reflected in these recommendations and support them subject to the limitations set forth in para.2, and para. 3 with respect to 321. With respect to 113, 133, 264, see also 134, para. 6. With respect to 112, 123, 126, 127, 129, 130, 131, 132, 133, 138, 145 see also 117, para. 6. With respect to 224, without commenting on any particular incident, we support enforcing laws that prohibit racial discrimination, racial profiling, and excessive use of force in policing.

215. “We are committed to reducing gun violence in a manner consistent with U.S. law and the U.S. Constitution, which protects the individual right to keep and bear arms.”

218: supported.

“124-126, 231. The U.S. has comprehensive federal and state legislation and strategies to combat discrimination. See 111, para. 6. While a national “action plan” is not currently contemplated, we are working diligently toward better enforcement and implementation of these laws and programs. With respect to 231, see also 219.”

For the source of US position, see A/HRC/46/15/Add.1.
Arms transfers

WILPF regrets that the US only noted recommendation 26.108 on arms transfers.6 According to SIPRI, between 2015 to 2019, 73 per cent of Saudi Arabia’s arms imports came from the US.7 The US remains the largest arms exporter, increasing its global share of arms exports from 32 to 37 per cent between 2011–15 and 2016–20. The USA supplied major arms to 96 states in 2016–20, far more than any other supplier. Almost half (47 per cent) of US arms transfers went to the Middle East.8 Early February, President Biden announced the temporary suspension of US support to Saudi Arabia’s “offensive operations” in Yemen,9 including ceasing relevant arms sales.10 However, the US is considering continuing sales of “defensive” equipment to Saudi Arabia.11

WILPF calls on the US to:

• immediately stop all transfers of arms, ammunition, and other military equipment to Saudi Arabia and other countries where there is a substantial risk that they will be used to violate international human rights law and/or international humanitarian law, including gender-based violence;
• take immediate steps to ratify the Arms Trade Treaty, to which the US is a signatory, and to fully uphold its obligations under the treaty.
• take meaningful steps to investigate its own responsibility in unlawful attacks in Yemen in which US weapons have been used.12

Nuclear testing/nuclear weapons

WILPF regrets the US only noted recommendation 26.154 on nuclear testing.13 WILPF calls on the US to:

• respond fully to Special Rapporteur’s recommendations;
• sign and ratify the Treaty on the Prohibition of Nuclear Weapons, which contains positive obligations in regards to environmental remediation and victim assistance in relation to nuclear testing as well as the obligation for the elimination of its nuclear weapon program.
• re-enter the nuclear-related agreements from which the previous administration withdrew, including the Intermediate Nuclear Forces Treaty, the Open Skies Treaty, and the Joint Comprehensive Plan of Action.

6 26.108 “Stop the illegal export of weapons to other countries” (Mexico). For the USA position on this recommendation, see A/HRC/46/15/Add.1, paragraph 17.
8 International arms transfers level off after years of sharp growth; Middle Eastern arms imports grow most, says SIPRI https://sipri.org/media/press-release/2021/international-arms-transfers-level-after-years-sharp-growth-middle-eastern-arms-imports-grow-most
13 “Respond accordingly to the substance of the relevant recommendations of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, in his 2012 report on the visit to the United States and the Marshall Islands (Marshall Islands).” For the position of the USA on this recommendation, see A/HRC/46/15/Add.1, paragraph 14.
Women, Peace and Security agenda
WILPF welcomes the acceptance of recommendation 26.319 on Women, Peace and Security.\(^\text{14}\) The US has the presidency of the Security Council this month and this administration must rapidly reverse the destructive policies of the previous administration, which have undermined the rights of women and girls globally, including in multilateral fora.

The US must:
- ensure full implementation of the Women, Peace, and Security Act, update its National Action Plan on Women, Peace and Security in meaningful consultation with civil society and ratify the Convention on the Elimination of all forms of Discrimination Against Women as pledged by President Biden during his campaign.\(^\text{15}\)
- implement its commitments and use its leverage to support the meaningful participation of women in peace processes.

While Afghans have been dealt a peace agreement between the United States and the Taliban on paper, over the last year and half, they have suffered from a surge in violence including targeted killings, bombings, and attacks on women human rights defenders as well as against other members of civil society.

- The US must demand an immediate ceasefire, urge more effective negotiations, and must ensure the protection of women’s rights and the inclusion of diverse women in leadership and decision-making roles.

The guarantee of women’s rights, protection measures and funding is required for women working in conflict contexts around the world.

- WILPF calls for renewed diplomacy to resolve the longstanding 70-year-old conflict with the DPRK, bring the Korean war to a formal end with a peace agreement, supporting women’s inclusion in the Korea peace process and ultimately, achieve permanent peace and denuclearization of the Korean Peninsula and in the region.

\(^{14}\) “Implement fully the commitments of women, peace and security agenda at the national and international levels, notably in the framework of the role of the member of the Security Council and to ensure politically and financially the participation of women in peace processes (Luxembourg). For the position of the USA on this recommendation, see A/HRC/46/15/Add.1, paragraph 20.

\(^{15}\) The Biden agenda for women https://joebiden.com/womens-agenda/