



## **Recommendations for the UPR of the USA**

### **36th session of the UPR Working Group (November 2020)<sup>1</sup>**

#### **Contents**

I.	Increased military spending to the detriment of economic, social and cultural rights .....	2
	Recommendations .....	5
II.	Situation at the US-Mexico Border .....	6
	Recommendations .....	8
III.	Mass Incarceration and Militarization .....	9
	Recommendations .....	10
IV.	Climate Crisis .....	11
	Recommendations .....	12
V.	Nuclear Weapons .....	12
	Recommendations .....	13
VI.	Arms exports .....	13
	Recommendations .....	15
VII.	Full Implementation of the Women Peace and Security agenda .....	16
	Recommendations .....	17

**31 August 2020**

For more information, please contact:

Women's International League for Peace and Freedom (WILPF)

Email: [humanrights@wilpf.org](mailto:humanrights@wilpf.org) | Web: [wilpf.org](http://wilpf.org)

---

<sup>1</sup> This is an updated version of the October 2019 WILPF submission to the UPR Working Group (<https://www.wilpf.org/portfolio-items/submission-to-the-universal-periodic-review-of-the-united-states-of-america/>). The 36<sup>th</sup> session of the 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.

## **I. Increased military spending to the detriment of economic, social and cultural rights**

“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.<sup>2</sup>

That wealth is, rather, squandered in a growing military budget. Indeed, 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. Since 2001, the US government has spent about USD 6.4 trillion on war in the Middle East and Asia. Over 800,000 people have died as a direct result of these wars; another 21 million have been displaced.<sup>3</sup>

The US budget request for 2020<sup>4</sup> was 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 militarizing the border. It also does not include billions for the Department of Homeland Security, which houses Customs and Border Protection and Immigration and Customs Enforcement, among others; nor does it include the “black budgets” for other militarized activities including the Central Intelligence Agency, Special Operations Command, and other “intelligence” agencies. Neither does it include the billions requested for spending on nuclear weapons, the budget for which is held by the Department of Energy.

---

<sup>2</sup> 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>

<sup>3</sup> Neta C. Crawford, *United States Budgetary Costs and Obligations of Post-9/11 Wars Through FY2020: \$6.4 Trillion*, Brown University, 13 November 2019, available at: <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2019/US%20Budgetary%20Costs%20of%20Wars%20November%202019.pdf>.

<sup>4</sup> *Budget of the U.S. Government for Fiscal Year 2020*, Washington, 11 March 2019, available at: <https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>

Prioritizing militarization, “defense,” 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. That same 2020 budget request that increases military and related spending cut 16% from housing, 12% from health, and 12% from education, for example.<sup>5</sup> The 2021 budget request is suggesting further cuts to all of these departments, including billions from Medicare, Medicaid, and food stamps and nutrition programs.<sup>6</sup> According to Philip Alston, these dramatic cuts in social 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 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.

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. In June 2020, the High Commissioner for Human Rights stated the COVID-19 death rate for African Americans is reported to be more than double that of other racial groups.<sup>7</sup> As Philip Alston stated “[l]ow-income and poor people face far higher risks from the coronavirus due to chronic neglect and discrimination, and a muddled, corporate-driven, federal response has failed them.”<sup>8</sup> Impoverished communities that are also racial and ethnic minorities are over policed, criminalized, lack healthy food options – food deserts – lack access to adequate educational opportunities, and suffer more environmental health risks. According to Alston, the COVID-19 response “has also ignored the looming threat of climate change, and despite the risks that pollution and carbon emissions pose to poor communities, the Environmental Protection Agency has ceased enforcement of many reporting and monitoring regulations” and “[a]s the coronavirus spreads in overcrowded and unsanitary prisons, jails and detention centers, even trivial offences can be a death sentence.”<sup>9</sup> Funding for social services is increasingly cut in order to fund the military and

---

<sup>5</sup> Budget of the U.S. Government for Fiscal Year 2020, Washington, 11 March 2019, pp. 53, 39 and 29, available at: <https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>

<sup>6</sup> Budget of the U.S. Government for Fiscal Year 2021, Washington, 10 February 2020, available at: [https://www.whitehouse.gov/wp-content/uploads/2020/02/budget\\_fy21.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/02/budget_fy21.pdf)

<sup>7</sup> Disproportionate impact of COVID-19 on racial and ethnic minorities needs to be urgently addressed – Bachelet, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25916>

<sup>8</sup> US COVID-19 strategy failing the poor, says UN expert, OHCHR, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25798&LangID=E>

<sup>9</sup> Ibid.

“homeland security”. 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.

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. It is reported that 41% of childless individuals aged 18-49 with no disabilities have never received assistance by any of the major welfare programs.<sup>10</sup> 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.

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 criminalization, intentional destruction of their shelter and belongings by law enforcement, and denied access to basic sanitation facilities. All these factors have put them at higher risk of contracting COVID-19.<sup>11</sup> By the conservative estimate of the US Department of Housing and Urban Development's Annual Homeless Assessment Report, in 2019 there were 567,715 people who lacked housing.<sup>12</sup> 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

---

<sup>10</sup> S. Carlson, D. Rosenbaum, B. Keith-Jennings, “Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?”, Center on Budget and Policy Priority, 8 February 2016, available at: <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016> . “See TABLE 1 “Government Assistance for Low-income Childless Adults Is Limited. Among individuals with no disability benefits in families with annual cash income below the federal poverty threshold in 2012.

Non-disabled adults aged 18-49 with no children in the home. 41 % Received no assistance from any of five major programs”

<sup>11</sup> Joy Moses, COVID-19 and the State of Homelessness, National Alliance to End Homelessness, 19 May 2020, available at: <https://endhomelessness.org/covid-19-and-the-state-of-homelessness/>

<sup>12</sup> The U.S. Department of Housing and Urban Development, The 2019 Annual Homeless Assessment Report (AHAR) to Congress, January 2020, available at: <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf>

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 urbanization, 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

- Reduce military spending and instead focus on investments in programs, services, and legal assistance options which are critical for the security, health, social protection 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 that 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 centers, 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 behavior; and to
  - Ensure access to hearings and effective remedies to internally displaced persons for violations of their rights.

## II. Situation at the US-Mexico Border

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 billion in 2010 to USD 27.7 billion in 2020,<sup>13</sup> further militarizing the US-Mexico border. Though this 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 US-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.

The “zero-tolerance policy” adopted by the Attorney General in April 2018 directed the 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 detaining immigrants in US federal prisons and detention centers, the latter of which are mostly privately run for profit.

Nearly 3,000 children, including newborns, were separated from their parents in 2018, with another 1,000 taken since a federal judge’s injunction in July 2018. In January 2020, the reported number of children separated from their guardians was 4,368.<sup>14</sup> 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.<sup>15</sup> 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.

---

<sup>13</sup> Calculated using information available at this link : [https://www.whitehouse.gov/wp-content/uploads/2019/03/FY20-Fact-Sheet\\_Immigration-Border-Security\\_FINAL](https://www.whitehouse.gov/wp-content/uploads/2019/03/FY20-Fact-Sheet_Immigration-Border-Security_FINAL).

<sup>14</sup> Liz Vinson, “Family separation policy continues two years after Trump administration claims it ended”, SPLC Southern Poverty Law Center, 18 June 2020, available at: <https://www.splcenter.org/news/2020/06/18/family-separation-policy-continues-two-years-after-trump-administration-claims-it-ended>

<sup>15</sup> 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>

Once detained, migrants – and some citizens who have been racially profiled and/or live within the 100 mile “no constitution zone” where CBP has broad jurisdiction – are exposed to rampant physical, mental, and sexual abuse, unhygienic conditions, and little to no medical care. With the outbreak of the COVID-19 pandemic, the health of migrants in detention centers has been put more at risk. For example, several UN special procedures received reports of unsafe sanitary conditions and lack of adequate healthcare faced by 1500 migrants detained in the Northwest Processing Center, Tacoma, Washington state. The UN Special Rapporteur on the rights of migrants Felipe González Morales expressed grave concern for the conditions of migrants detained in the center and urged US authorities to implement alternative measures to immigration detention.<sup>16</sup>

Moreover, ICE was reported to prevent detained migrants from contacting attorneys when they looked for legal assistance to pursue their cases.<sup>17</sup> Based on accounts from whistleblowers, migrants, humanitarian aid workers, and journalists, a widespread pattern and culture of abuse within ICE and CBP has been well-documented. In addition to humiliating, degrading, and enacting violence upon the bodies of migrants directly, CBP officials also have a habit of destroying any life-saving mechanisms deployed by humanitarian activists. Documentarians embedded with ICE even found that the agency “evaluated the success of its border policies based not only on the number of migrants apprehended, but on the number who died while crossing.”<sup>18</sup> The Trump administration has exploited COVID19 as a pretext to expel migrants, including unaccompanied children, arriving at the US borders.<sup>19</sup>

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.<sup>20</sup>

---

<sup>16</sup> US: Migrants “held for processing” should be released from COVID-19 high-risk detention centres, OHCHR, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25827&LangID=E>

<sup>17</sup> See, for example: <https://www.aclunc.org/news/aclu-seeks-court-order-against-ice-guarantee-detained-immigrants-access-lawyers>.

<sup>18</sup> Caitlin Dickerson, “A Rare Look Inside Trump’s Immigration Crackdown Draws Legal Threats,” The New York Times, 23 July 2020, available at: <https://www.nytimes.com/2020/07/23/us/trump-immigration-nation-netflix.html>

<sup>19</sup> See, for example, *Danger awaits migrant children returned to Mexico and Central America*, <https://news.un.org/en/story/2020/05/1064652>; *USA: Trump administration using coronavirus pandemic to justify discriminatory ban on asylum-seekers at southern border*, Amnesty International, <https://www.amnesty.org/en/latest/news/2020/03/usa-trump-coronavirus-pandemic-discriminatory-ban-asylum-seekers/>

<sup>20</sup> 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>.

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”.<sup>21</sup> 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 patrols;<sup>22</sup> and to guaranteeing the right to family reunification of migrants held in detention.<sup>23</sup>

## 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 (ICE) agency and invest in an oversight committee that reviews resettlement assistance in centers 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.
- Divest from the privatization of detention centers profiting from ICE raids, close those centers and move those funds to services and the resettlement process.
- 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.

---

<sup>21</sup> Recommendation 92.105 (Uruguay).

<sup>22</sup> 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).

<sup>23</sup> 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).



### **III. Mass Incarceration and Militarization**

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 Eight 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 awaiting trial – meaning that they have not yet been proven guilty and are only 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 the bail bonds industry, prison labor, and fees for necessities while incarcerated.

Those suffering the most are the poor. Including detained immigrants, the majority of prisoners are overwhelmingly Black, Indigenous, and Latinx. Entire communities are subjected to surveillance and scrutiny on the basis of race or religion, and are targeted with particular strategies that lead to higher rates of arrest and conviction for “crimes” than white populations. LGBTQ+ people, particularly trans people of color and other gender non-conforming queer people, are also often criminalized and subjected to violence within the carceral system. The levels of police brutality in the USA has been made visible through recent action against Black Lives Matter protesters in 2020 but these tactics and levels of violence have been used by police forces against criminalized communities throughout US history. Yet the USA continues to invest heavily in policing - currently about USD 100 billion a year - while cutting funding from programs such as education, housing, food, and job opportunities.

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.<sup>24</sup> 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,

---

<sup>24</sup> 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> .

in certain cases, incarcerated women are still shackled or otherwise restrained throughout pregnancy and during labor, delivery and post-partum recovery (arts. 2, 11, 12, 13, 14 and 16).” Penal labor, 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 enable prisoners to cover personal debts and family obligations.<sup>25</sup> Many prisons also charge prisoners or their families for phone calls, which further places financial burdens on them and their families.

While incarceration rates are exacerbated by the “War on Drugs” 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 August 2020, 40 states have considered 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, 24 states have been successful in enacting these laws, which prioritize private interest over people and land.<sup>26</sup> 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, tear gas, and pepper spray. Known as “crowd-control gear,” the USA sells such gear and trains on tactics for protests in its wars 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.

---

<sup>25</sup> <https://www.newsweek.com/prison-slavery-who-benefits-cheap-inmate-labor-1093729>.

<sup>26</sup> US Protest Law Tracker, ICNL International Center for Not-for-profit Law, available at: <https://www.icnl.org/usprotestlawtracker/>

- End the privatization of prisons and detention centers, as the for-profit model creates a monetary incentive to imprison as many people as possible. Invest in diversion courts and restorative and transformative justice as alternatives to incarceration. Defund police departments and invest instead in programs relating to education, public health, food security/nutrition, housing, youth recreation, and jobs.
- Move away from carceral policies and towards decarceration, aiming for an end to the prison-industrial complex. While this is ongoing, end non-paying prison labor programs and pay the minimum wage to incarcerated people 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.
- 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.”<sup>27</sup>
- 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

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. In 2020, for example, the US government cut 31% from the Environmental Protection Agency and is requesting a further 26% cut for 2021.<sup>28</sup> 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 diverted into other national security spending such as the deployment of troops to the US-Mexico border and building the border wall. This is not the response

---

<sup>27</sup> CAT/C/USA/CO/3-5 (CAT, 2014), December 2014, paragraph 20.

<sup>28</sup> Kate Rabinowitz and Kevin Uhrmacher, “What Trump proposed in his 2020 budget,” The Washington Post, 12 March 2019, available at: <https://www.washingtonpost.com/graphics/2019/politics/trump-budget-2020/>; also see <https://www.budget.senate.gov/imo/media/doc/SBC%20Trump%20Budget%20Reaction%202-11-20%20REVISED.pdf>.

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,<sup>29</sup> producing more greenhouse gases than an estimated 140 countries combined, adding to the rising costs of war and militarization worldwide.

The US energy policy is still mostly based on fossil fuel sources (80%) and the oil and gas industries benefit from favorable 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

- Reinstatement of the Paris Climate Agreement and development of a national action plan to achieve the previous commitments made under it.
- Protection of those who are most affected by the impact of climate change and inclusion of local and Indigenous knowledge in climate change mitigation and adaptation policies.
- Investment in renewable energy efforts and provision of tax breaks for social agencies and housing purchases which incorporate renewable energy in their building.
- Declaration of a climate emergency.

## V. Nuclear Weapons

The USA is currently in the midst of a massive nuclear weapon “modernization” program, 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 modernization. In 2019, the US spent about USD 41.4 billion on nuclear weapons and related delivery systems and facilities. 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.<sup>30</sup> The US government has so far refused to join the UN Treaty on the Prohibition of Nuclear Weapons, the only global agreement that outlaws nuclear weapons for all countries equally. It has failed to comply with its legal obligations under the nuclear Non-Proliferation Treaty to engage in and conclude multilateral nuclear disarmament negotiations. Furthermore, the USA has withdrawn from the Intermediate-range Nuclear Forces (INF) Treaty with

---

<sup>29</sup> 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/>.

<sup>30</sup> 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.

Russia, the Joint Comprehensive Plan of Action with Iran, and has indicated that it might not negotiate a follow-on to the new Strategic Arms Control Treaty, which limits deployments of US and Russian strategic nuclear weapons.<sup>31</sup> The USA has also suggested it might resume explosive nuclear weapon testing, in violation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), of which it is a signatory. 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 and multilateral nuclear arms control and limitations agreements and negotiate follow-ons as relevant.
- Under no circumstances should the USA resume nuclear weapon testing; instead it should ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- Sign and ratify, 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 programs.
- Redirect spending from nuclear weapons toward social welfare programs and the development of renewable energy.

## VI. Arms exports

The USA has further solidified its position as the world's leading arms supplier. SIPRI has reported that "between 2010–14 and 2015–19, exports of major arms from the USA grew by 23%, raising its share of total global arms exports to 36%. In 2015–19 total US arms exports were 76% higher than those of the second-largest arms exporter in the world, Russia. Major arms transferred from the USA went to a total of 96 countries."<sup>32</sup> 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

---

<sup>31</sup> 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>.

<sup>32</sup> SIPRI, USA and France dramatically increase major arms exports; Saudi Arabia is largest arms importer, says SIPRI, 9 March 2020, available at: <https://www.sipri.org/media/press-release/2020/usa-and-france-dramatically-increase-major-arms-exports-saudi-arabia-largest-arms-importer-says>

Department. US arms sales – both legal and illicit – foment instability and conflict,<sup>33</sup> 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.<sup>34</sup>

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”.<sup>35</sup>

The USA has continued to export weapons to Saudi Arabia, the United Arab Emirates (UAE), and other members of Saudi-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 air strikes against objects essential for the survival of the population in Yemen.<sup>36</sup> 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.<sup>37</sup>

---

<sup>33</sup> 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.

<sup>34</sup> 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/>

<sup>35</sup> 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/>.

<sup>36</sup> 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/>.

<sup>37</sup> “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.

In UPR II, the USA supported a recommendation to ratify the Arms Trade Treaty (ATT)<sup>38</sup> explaining that it was preparing for Senate consideration of the ATT.<sup>39</sup> In April 2019, the US administration announced that it would withdraw the USA's signature from the ATT<sup>40</sup> and, in July 2019, communicated to the UN Secretary General its intention not to become a party to it.<sup>41</sup>

## Recommendations

- Reinstatement of the democratic process of congressional oversight of arms exports to the State Department.
- Implement the recommendation by the GEE on Yemen and prohibit the authorization of transfers of, and refrain 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.<sup>42</sup>
- 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.

---

<sup>38</sup> 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).

<sup>39</sup> 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>

<sup>40</sup> <https://controlarms.org/blog/the-usa-announces-intention-to-withdraw-signature-from-the-arms-trade-treaty/>

<sup>41</sup> 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](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=en#3)

<sup>42</sup> 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.
- 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.

- 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 the Women Peace and Security agenda**

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.”<sup>43</sup> 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.

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.

The 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 US 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 the US Congress play its role in creating the political space for the USA-North Korea talks to succeed. For the

---

<sup>43</sup> 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>



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.”<sup>44</sup> Sanctions have not only failed to stop North Korea’s nuclear development, they are also increasing the suffering of the North Korean people.

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.”<sup>45</sup>

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.<sup>46</sup> As a result, specific references to these rights were removed from the final text.

## Recommendations

- Fully implement 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.

---

<sup>44</sup> <https://koreapeacenow.org/take-action/united-states/>

<sup>45</sup> 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/](https://www.wilpf.org/wilpf_statements/hrc41-statement-on-afghanistan/)

<sup>46</sup> <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/>

- 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.