

UPR RECOMMENDATIONS TO THE UNITED STATES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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ESCR Comments and Concerns raised by Countries and Responses by the United States

(Please note the paragraph numbers from the original document are retained here, and U.S. responses are italicized)

- 18. Qatar welcomed the United States' efforts in combating racial and religious discrimination, providing social services and ensuring the enjoyment of economic, social and cultural rights.
- 21. China noted the Government's efforts in past years to promote and protect human rights and to make progress in health care and education. However, China expressed concern about the gaps in human rights legislation and the fact that the United States had not become a party to a number of core international human rights instruments. It was also concerned, inter alia, that the law enforcement agencies tended to use excessive force and that the incidence of poverty was higher among Afro-Americans, Latinos and Native Americans.
- 22. India commended the United States for its commitment to human rights and its acknowledgment of the remaining challenges. India was concerned about human rights abuses by business corporations and inquired about the United States' position on its Alien Tort Claims Act. It was concerned at the sexual harassment of women in the United States military and the disproportionately high conviction rates for African-Americans, as well as their low access to education, health and employment.
- 23. Bangladesh stated that, while progress had been made in the protection of civil and political rights, the protection of social and economic rights had not been fully recognized. It stated that the United States played a positive role internationally in supporting many countries' development efforts. Bangladesh was concerned at the recent enactment of an immigration law that might encourage discriminatory attitudes and ill treatment against migrants.
- 24. Malaysia appreciated the renewed commitment expressed by the Government to reengage on the full range of human rights, including through United States membership of the Human Rights Council. Malaysia stated that several issues, such as racial discrimination, racial profiling, religious intolerance and widening income equality, could be given more attention.
- 25. Brazil welcomed the measures announced by the United States to address violations of human rights that had been committed under its counter-terrorism policy. It noted with concern the rise in the number of persons living in poverty. Brazil encouraged the United States to investigate and address situations of forced labor against migrants.

- 27. The Republic of Korea commended the Government's decision to close the Guantanamo Bay detention facility and to ban methods of interrogation that might not be in compliance with international law. It welcomed the adoption of legislation to expand access to health care for its citizens.
- 33. *The delegation addressed questions related to its work to combat discrimination. The United States is committed to ensuring political participation by all qualified voters through enforcement of voting rights laws. The Justice Department will review redistricting plans after the 2010 Census to ensure that voting districts are not drawn with the purpose or effect of discriminating against minority voters. The United States explained its enforcement of laws to ensure equal access to housing, lending, credit, educational opportunities, and environmental justice. Although still grappling with the legacy of slavery and addressing problems of racial discrimination, the United States remains mindful of the need to address other inequalities as well.*
- 34. *The United States is committed to promoting equal rights for women. The delegation discussed the passage of the Lilly Ledbetter Fair Pay Act, the creation of an Ambassador-at-Large for Global Women's Issues, and other measures.*
- 46. Bahrain noted the adoption of legislation on health care. Bahrain referred to the recommendations made by CAT on CAT's applicability in times of war and peace, and asked on the steps taken to implement that recommendation. It also referred to the recommendation made by CERD on the establishment of a national human rights institution.
- 49. Morocco expressed appreciation for the United States' commitment to development assistance and referred to a number of programs and innovative solutions concerning housing rights.
- 56. *Turning to indigenous issues, the delegation noted the many challenges faced by Native Americans – poverty, unemployment, health care gaps, violent crime, and discrimination – and the laws and programs it has in place to address these problems. The United States stated its belief that tribes and their members will flourish if they are empowered to deal with the challenges they face. This conclusion is reflected in law and policy regarding tribal self-determination. President Obama hosted the White House Tribal Nations Conference at which he directed all agencies to submit plans for and progress reports on implementation of the Executive Order on Consultation and Coordination with Indian Tribal Governments. As a result, the level of tribal consultations is now at an historic high.*
- 58. *The United States has also taken numerous steps to address particular challenges faced by indigenous communities. These include health care reform, the settlement of certain claims, and improvements in criminal justice issues.*
- 61. Ghana commended the United States for, inter alia, efforts that had transformed the country into a multi-racial, multi-ethnic and multi-religious society. It noted with appreciation that the Government continued to work to ensure that equal opportunity was not only guaranteed in law, but experienced by all Americans. Ghana, however, referred to the concerns expressed by several special procedures concerning ongoing structural discriminations.

- 69. Italy noted with appreciation the Government's efforts to fight economic, social, gender and ethnic discrimination. It noted that the death penalty was still in force in 35 states, even though some states had applied a de facto moratorium.
- 76. Trinidad and Tobago noted the Government's efforts to respect human rights, including those to eliminate all forms of racial discrimination, and the enactment of legislation in 2009 to combat gender-based wage discrimination.
- 78. Haiti deplored the difficulties encountered by persons of African descent who, for example, faced a high rate of unemployment and had lower income. Haiti asked about the Government's intention to set up a national human rights institution.
- 85. *The United States delegation responded to a number of questions and concerns regarding discrimination against Muslims, Arab Americans, and South Asians. The United States is committed to addressing negative stereotypes, discrimination and hate crimes through measures such as the creation of a 9/11 backlash taskforce, litigation to protect religious freedom including the right of school girls to wear the hijab, nationwide community outreach, and enforcement of employment discrimination laws. The United States is taking concrete measures to make border and aviation security measures more effective and targeted to eliminate profiling based on race, religion, or ethnicity.*
- 87. *Regarding questions related to economic, social and cultural rights, what Franklin Roosevelt described as "freedom from want," the United States has focused on democratic solutions and civil society initiatives while courts have defined constitutional obligations primarily by focusing on procedural rights to due process and equal protection of the law. As a matter of broader public policy, the United States is committed to help create a society in which prosperity is shared, including social benefits provided by law.*
- 88. *The United States is committed to working to pursue laws and policies that will build an economy and society that lifts up all Americans. The Government is taking on the structural inequalities that have too often held back some citizens. The United States is taking significant measures to ensure equal opportunities and access to areas including housing, education, and health care. The Government is actively responding to the foreclosure crisis by helping millions of families restructure or refinance their mortgages to avoid foreclosure. The United States has taken important measures to help lift up every child in every school in the country, particularly those most disadvantaged. Recent legislation allowed schools to invest in technology, teacher development, and other measures. In 2010, President Obama signed into law the Affordable Care Act, which is projected to expand health insurance to 32 million Americans who would otherwise lack coverage.*
- 89. *The United States is also committed to enforcing employment and labor laws to protect workers' rights, has revitalized its engagement with ILO, and is renewing work on ratification of ILO conventions.*
- 90. *In closing, the United States delegation expressed its deep appreciation to civil society – not only for helping in the preparation of its report and presentation, but also in continuing to push the government to do better. United*

States civil society has been invaluable to the United States' Universal Periodic Review, and commended to other states active engagement with civil society throughout the process.

- *91. It is a testament to the steady erosion of barriers of race, gender, sexual orientation, religion, disability, and ethnicity that United States delegation members of such diversity were present to speak for the United States today. The United States is proud of its record of accomplishments, humbled by the recognition that more work remains, and remains committed to improvement and to continuing this dialogue going forward.*

ESCR Recommendations made by Countries to the United States

- 1) 92.3. Ratify, until the next universal periodic review, ICESCR, the Convention on the Rights of the Child, Protocols I and II of the Geneva Conventions of 12 August 1949, ILO Conventions no. 87 (on freedom of association) and no. 98 (on the right to collective bargaining) as well as withdraw the reservation made to article 4 of the International Convention on the Elimination of Racial Discrimination (Russian Federation);
- 2) 92.22. Consider prioritizing acquiescence to the Convention of the Rights of the Child, CEDAW, the ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation so as to further strengthen its national framework for human rights, but also to assist in achieving their universality (Trinidad and Tobago);
- 3) 92.26. Consider ratifying ILO Convention 100 on equal remuneration for men and women for work of equal value, and ILO Convention 111 on discrimination in employment and occupation (India);
- 4) 92.27. Accede to ICESCR, the CRC and ILO convention No. 111 (Islamic Republic of Iran);
- 5) 92.62. Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the right to nondiscrimination established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice (Plurinational State of Bolivia);
- 6) 92.67. Take legislative and administrative measures to address a wide range of racial discrimination and inequalities in housing, employment and education (Democratic People's Republic of Korea);
- 7) 92.70. Take appropriate legislative and practical measures to improve living conditions through its prisons systems, in particular with regard to access to health care and education (Austria);
- 8) 92.81. Take the necessary measures in favor of the right to work and fair conditions of work so that workers belonging to minorities, in particular women and undocumented migrant workers, do not become victims of discriminatory treatment and abuse in the work place and enjoy the full protection of the labour legislation, regardless of their migratory status (Guatemala);
- 9) 92.86. Undertake awareness-raising campaigns for combating stereotypes and violence against gays, lesbians, bisexuals and transsexuals, and ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses (Uruguay);

- 10) 92.99. Eliminate discrimination against migrants and religious and ethnic minorities and ensure equal opportunity for enjoyment of their economic, social and cultural rights (Bangladesh);
- 11) 92.100. End all forms of racial discrimination in terms of housing, education, health care, social security and labor (Libyan Arab Jamahiriya);
- 12) 92.109. Promote equal socio-economic as well as educational opportunities for all both in law and in fact, regardless of their ethnicity, race, religion, national origin, gender or disability (Thailand);
- 13) 92.113. That further measures be taken in the areas of economic and social rights for women and minorities, including providing equal access to decent work and reducing the number of homeless people (Norway);
- 14) 92.115. Consider taking further action to better ensure gender equality at work (Finland);
- 15) 92.192. Recognize the right to association as established by ILO, for migrant, agricultural workers and domestic workers (Plurinational State of Bolivia);
- 16) 92.193. Prevent slavery of agriculture workers, in particular children and women (Bolivarian Republic of Venezuela);
- 17) 92.194. Decree maternity leave as mandatory (Bolivarian Republic of Venezuela);
- 18) 92.195. Ensure the realization of the rights to food and health of all who live in its territory (Cuba);
- 19) 92.196. Expand its social protection coverage (Brazil);
- 20) 92.197. Continue its efforts in the domain of access to housing, vital for the realization of several other rights, in order to meet the needs for adequate housing at an affordable price for all segments of the American society (Morocco);
- 21) 92.198. Reinforce the broad range of safeguards in favour of the most vulnerable groups such as persons with disabilities and the homeless to allow them the full enjoyment of their rights and dignity (Morocco);
- 22) 92.211. Reconsider restrictions on undocumented migrants' access to publicly supported healthcare (Brazil);
- 23) 92.225. Continue consultations with non-governmental organizations and civil society in the follow up (Austria);