

Statement during the Adoption of the Third Universal Periodic Review (UPR) of the United States

**As delivered by Lisa Peterson
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INTRODUCTION

Madame President and esteemed colleagues, on behalf of the United States of America, I am honored to join you virtually in Geneva to conclude the third cycle of the U.S. Universal Periodic Review. I am proud to represent the United States before the Human Rights Council and to reaffirm our commitment to promoting respect for the human rights of all people, everywhere.

As President Biden recently said, our nation is rooted in our “most cherished democratic values: defending freedom, championing opportunity, upholding universal rights, respecting the rule of law, and treating every person with dignity.”

We have seen many of these values come under intense pressure in the United States in recent years – even pushed to the brink earlier this year.

We know – as you know – that these democratic values must be defended every day, including at home. We commit to this vigilance, to this challenge, with resolve and humility.

President Biden often speaks of the “power of our example.” American leadership on human rights must begin at home, in the way we treat each other, our neighbors, and the most vulnerable among us. We’re not perfect – far from it – but we are going to keep striving to live up to our highest ideals and principles. Among other challenges, we know it is long past time to confront deep racial inequities and the systemic racism that continue to plague our nation. We must, and we will, do more.

UPR PROCESS

I thank the President of this Council, the many states that participated constructively in the Working Group for our UPR, the Troika – the Bahamas, Germany, and Pakistan – the Secretariat staff, and, in particular, our own civil society for the many constructive recommendations and candid conversations we have had over the past year and more. You in civil society hold us in government accountable to our shared values by asking hard questions and making honest recommendations. In this respect you remind us that the most important line of accountability for human rights in America is to our

own people. We welcome your participation in this process and thank you for your active engagement. In the coming weeks and months ahead, we look forward to working with you on the implementation of many of these recommendations. We hope other governments around the world also work closely with civil society organizations as they undertake their UPR reviews.

The U.S. government has carefully reviewed the 347 recommendations it received during this UPR review. We have accepted in whole or in part a total of 280 recommendations, or approximately 81%. We're very proud of this high number.

We have considered the substance of each recommendation. Our written submission responds to all recommendations and includes brief explanations for many of them.

Today I would like to summarize our approach in some key areas and address significant changes that have occurred since our presentation last November.

1. CIVIL RIGHTS/DISCRIMINATION

I would like to begin by addressing recommendations concerning civil rights and discrimination. No issue is more central to the goals and policies of this administration than addressing systemic racism – forthrightly, honestly, and powerfully – and the legacy of discrimination in our country.

We support almost all of the recommendations we received in the area of civil rights and discrimination, including those from Argentina, Cambodia, Canada, the Republic of Korea, Costa Rica, Ecuador, China, Iceland, Togo, and others which recommended that we examine and eliminate practices and policies that marginalize racial and ethnic minorities and address police violence against members of minority communities, including African Americans. We also support inputs from Norway, the United Kingdom of Great Britain and Northern Ireland, Indonesia, and others, which recommended we identify best practices for the use of force by police and for improving the enforcement of laws that prohibit racial profiling and excessive use of force in policing.

Last summer, as protesters marched to demand justice following the tragic death of George Floyd, we were reminded, once again, of how pervasive systemic racism is in the United States and the urgent need to address it. What many Americans did not see, or had simply refused to see, could not be ignored any longer. Floyd's death was a flashpoint within a longstanding national conversation around police brutality against African-Americans and persons of color that galvanized a global call to end the injustices of systemic racism across the globe. We saw this very Council take up this

issue last summer during its Urgent Debate on Racism. And in that regard, we welcome the High Commissioner's statement that the implementation of HRC resolution 43/1, stemming from that debate, will reflect and amplify the voices of victims, as well as their families and communities in all countries.

The United States is dedicated to eliminating racial discrimination and the use of excessive force in policing. The Department of Justice has issued guidance stating unequivocally that racial profiling is wrong and has prohibited racial profiling in federal law enforcement practices. Many states have done the same. Our Department of Justice prosecutes individual officers who violate someone's civil rights and investigates police departments that might be engaging in a pattern or practice of conduct that deprives persons of their rights. We also seek to proactively prevent discrimination or the use of excessive force by participating in increased training of federal, state, and local law enforcement officers across the country.

And now, as seen in the horrific events at the U.S. Capitol on January 6, there is a growing threat of domestic violent extremism that we must confront and we will defeat. In responding to this threat, the new Administration will be guided by the evidence and the law and will be steadfast in maintaining the United States' commitment to civil liberties. We know this is not an issue for America alone as other countries also confront growing nationalist chauvinist movements. We must work together on this important effort.

The notion of equal opportunity is the bedrock of American democracy, but for too many this ideal has not translated to reality simply because of the color of their skin. Entrenched disparities in our laws and public policies, and in our public and private institutions, have often denied that equal opportunity to individuals and communities.

We are committed to addressing this and making it right. On his first day in office, President Biden issued an Executive Order directing that the "Federal Government ... pursue a comprehensive approach to advancing equity for all, including African-Americans, Latinos, Asian-Americans and Pacific Islanders, Native Americans and other persons of color, persons with disabilities, and LGBTQI+ communities and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."

The need is particularly urgent during the COVID-19 pandemic, which exacerbated existing inequities. We are taking affirmative steps to end unequal provisions in housing policy that disproportionately affect persons of color, and we are extending

the nation-wide eviction moratorium during COVID-19. We are tackling hate crimes against Asian Americans and Pacific Islanders spurred by the pandemic. We are extending a pause on repaying student loans, the economic burden of which falls disproportionately on people of color.

Many of the steps we are taking are intended to reverse policies that have served to divide America. We are reauthorizing mandatory anti-bias training across the federal government system, and we are ensuring the inclusion of all people present in the United States in the 2020 census, irrespective of their immigration status. We are preserving the Deferred Action for Childhood Arrivals (DACA) program and ending discriminatory bans on entry to the United States. And we are taking steps to end the federal government's reliance on private prisons – the beginning of a plan to reform an incarceration system that disproportionately affects people of color.

Several states, including Belgium, France, and Malta, asked us to do more to address discrimination against LGBTQI+ individuals. Others, including India, Moldova and Montenegro, asked us to better address gender-based discrimination.

Despite the extraordinary progress we have made securing equal rights for LGBTQI+ individuals, discrimination is still rampant in many areas of our society. This Administration believes that every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love, and that all persons should receive equal treatment under the law, no matter their gender identity or sexual orientation. That is why, on his first full day in office, President Biden issued an executive order directing federal agencies to develop a plan to fully implement laws that prohibit discrimination on the basis of sex, sexual orientation, or gender identity. He followed up just a few days ago, on March 8, by establishing the White House Gender Policy Council, which will further advance gender equity and equality, including for those in marginalized and underserved communities. And on January 25, 2021, the President issued an executive order ensuring that transgender individuals who wish to serve in the United States military shall be able to do so openly and free from discrimination.

This Administration believes in the advancement of gender equality and women's and girl's empowerment, including promoting their sexual and reproductive health and rights, both in the United States and globally. We received and supported a number of recommendations from Norway, Canada, Austria, Mexico, and others related to sexual and reproductive health and rights.

On January 28, 2021, President Biden issued the Presidential Memorandum on Protecting Women's Health at Home and Abroad, which revoked the January 23, 2017 Presidential Memorandum on the "Mexico City Policy," and also directed the withdrawal of U.S. co-sponsorship and signature from the Geneva Consensus Declaration. These steps will help improve the lives of women and girls by increasing their access to critical health services.

2. MIGRATION/CHILD SEPARATION POLICY

I wish to turn now to our second broad focus. President Biden has stated that "immigration is an irrefutable source of our strength and is essential to who we are as a nation." For generations, immigrants have come to the United States with little more than the clothes on their backs, hope in their hearts, and a desire to claim their own piece of the American Dream. These mothers, fathers, sons, and daughters have made our nation better and stronger.

We accepted numerous recommendations from Peru, Thailand, El Salvador, Slovenia, Zambia, Cuba, Fiji, Ghana, Nicaragua, and others related to enhancing efforts to protect the rights of migrants, and migrant children in particular.

On the very day he was inaugurated, President Biden took the first steps in a broad, whole of government effort to reform our immigration system, including sending to Congress legislation that creates a pathway to citizenship for nearly 11 million undocumented immigrants living in and contributing to our country. The President's strategy is centered on the basic premise that our country is safer, stronger, and more prosperous with a fair, safe, and orderly immigration system that welcomes immigrants, keeps families together, and allows everyone – both newly arrived immigrants and people who have lived here for generations – to fully contribute to our country.

President Biden has condemned the human tragedy of using U.S. immigration laws to intentionally separate children from their parents or legal guardians. The Biden Administration has rescinded the zero-tolerance policy and will protect family unity. On February 2, the President established an Interagency Task Force on the Reunification of Families that will bring families back together and provide them the relief, resources, and services they need to heal.

The United States is committed to safe, humane, and lawful immigration enforcement, including protecting family unity and strengthening the protection of human rights of non-citizens in immigration detention, as well as appropriate use of alternatives to

detention. The United States will seek to ensure that children entering the United States are not separated from their families, except in the most extreme circumstances where a separation is clearly necessary for the safety and well-being of the child or is required by law. The United States provides care and placement in the least restrictive setting for unaccompanied children who enter the United States without a parent or legal guardian and works to expeditiously reunify them with parents or other loved ones in the United States.

It is also a priority of the Biden Administration to reinstate the safe and orderly reception and processing of arriving migrants and asylum seekers. Beginning on February 19, the Department of Homeland Security began the first phase in this effort by processing into the United States people who had been returned to Mexico under the Migrant Protection Protocols pending their removal hearings. This latest action is another step in our commitment to reform immigration policies that do not align with our nation's values.

3. CRIMINAL JUSTICE

A third major set of recommendations concerned criminal justice in our country. While our federal system consists of an array of different sub-national entities, each responding to the needs of and beholden to the people of different jurisdictions, all are subject to the U.S. Constitution and committed to the goal of administering justice equally and fairly.

We received recommendations from 33 countries concerning the administration of capital punishment at the State and Federal level.

While we respect those who make these recommendations, they reflect continuing differences of policy, not differences about what the United States' international human rights obligations require.

However, to those who desire as matter of policy to end capital punishment in the United States, I note that President Biden supports legislatively ending the death penalty at the federal level and incentivizing additional states to follow the federal government's example. Further, I note that since the last U.S. UPR, five states have acted to abolish the death penalty, either through new legislation or judicial decision.

4. RIGHTS OF INDIGENOUS PEOPLES

In a fourth area, we received and support a number of recommendations urging us to continue promoting and protecting the rights of indigenous peoples and their members, including recommendations from Azerbaijan, Kenya, and Paraguay.

The United States recognizes past wrongs and is committed to working with tribal governments to address the many issues facing their communities. President Biden has issued a Memorandum that calls on federal agencies to develop detailed plans for implementing existing policies regarding consultation with tribes.

It is a priority of the Biden Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and meaningful consultation with Tribal Nations cornerstones of Federal policy.

5. NATIONAL SECURITY

In the area of national security, we supported recommendations from France and others regarding the Guantanamo Bay detention facility.

The United States intends to continue the work of the Obama Administration in finding a resolution to the issue of the Guantanamo Bay detention facility that comports with our values as a country. The Administration is now engaged in an interagency review to see how that goal can best be accomplished.

6. TREATIES/INTERNATIONAL MECHANISMS

The largest group of recommendations – the sixth category I will discuss here today – concern ratification of treaties and engagement with international mechanisms.

We support a number of recommendations asking us to consider ratifying additional human rights treaties, including the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities, the International Labor Organization's Convention #111, and the Convention on the Rights of the Child.

The fact that we have not ratified these treaties should not be seen as an indication that we do not support their goals. But, as many of you know, under our Constitution, treaty ratification requires approval not only by the Executive Branch, but also a two-thirds supermajority of our Senate. The Biden Administration will continue to review how we can approach ratification of these treaties.

We also received recommendations to rejoin the Human Rights Council from a number of states including Canada, Spain, Lithuania, Germany, and Jordan.

On February 8, Secretary of State Blinken announced that the United States would reengage immediately and robustly with the HRC, and we have been doing so ever since. The United States is also now running for election to the Human Rights Council for the 2022-2024 term. In seeking to rejoin the Council, we strive to work with the international community to meet our shared commitment to promoting respect for human rights. As I indicated at the outset, we recognize that any pledge to fight for human rights around the world must begin with a pledge to fight for human rights at home, so our approach is to hold ourselves accountable at the same time as we do so for others. We humbly ask for your support for our candidacy.

We also received recommendations from Fiji, Haiti, Bahamas, and Slovenia about strengthening cooperation with the international community on climate change.

This is a core priority of the United States, and we are committed to intensifying our efforts to address environmental challenges, including climate change. This is why, on his first day in office, President Biden signed and the United States deposited with the UN, the instrument to rejoin the Paris Agreement on Climate Change and appointed former Secretary John Kerry as the nation's first presidential envoy for climate. As of February 19th, the U.S. is again a full member of the Paris Agreement and we are working hard to accelerate global efforts and commitments to tackle this critical issue.

6. RESPONSE TO COVID

Finally, let me address a few recommendations concerning access to health care and our response to the COVID-19 pandemic.

Shortly after taking office, President Biden launched an all-of-government effort to provide equitable emergency economic relief to working families, communities, and small businesses across the United States. As we continue to battle COVID-19, it is even more critical that Americans have meaningful access to quality, affordable health care. President Biden is taking action to strengthen Americans' access to make health insurance coverage more affordable for millions of Americans, meet the health care needs created by the pandemic, reduce health care costs, protect access to reproductive health care, and make our health care system easier to navigate and more equitable.