

June 14, 2019

Mr. Scott Busby
Deputy Assistant Secretary
Bureau of Democracy, Human Rights and Labor
U.S. Department of State
600 19th St., N.W. Washington, D.C. 20522-1705

Re: U.S. Fifth Periodic Report to the U.N. Human Rights Committee on Compliance with the International Covenant on Civil and Political Rights

Dear Mr. Busby:

As you know, the United States ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992, and has since submitted several periodic compliance reports to the U.N. Human Rights Committee (Committee). In January 2018, the United States agreed to receive a List of Issues Prior to Reporting (LOIPR) from the Committee, and as a result, the Committee adopted the LOIPR at its 125th session that was held March 4-29, 2019.¹ The United States is now expected to begin drafting its Fifth Periodic Report, for which the Committee has set a deadline of April 2, 2020. We urge you to begin preparing this report in earnest, to conduct meaningful consultations with civil society groups and to submit it in a timely manner consistent with the Committee's deadline.

In January 2019, more than 50 U.S. civil society organizations and Indigenous Peoples' representative institutions submitted suggested issues and questions regarding U.S. compliance with the ICCPR to the Committee.² During the 125th session that was held in March 2019, several of these same organizations held an informal briefing for Committee members prior to the Committee's issuance of its LOIPR. During this briefing, representatives of these organizations presented updates to the submissions and answered questions raised by Committee members. The briefing was well-attended by members of the Committee, demonstrating the serious commitment to monitoring U.S. compliance with the ICCPR.

The U.S. has a long history of productive engagement with the Committee, spanning several presidential administrations. While there have been recent measures that undermine global human rights mechanisms, the upcoming review is an opportunity to build upon actions that signal engagement and cooperation with the Committee. In addition to accepting the so called simplified reporting procedure or LOIPR on January 30, 2018, we also note the U.S. government follow-up submission to the Committee which was received on October 11, 2017. Furthermore, on April 7, 2018, the Trump Administration nominated Ambassador Pierre Prosper

¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUSA%2fQPR%2f5&Lang=en

² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetailsI.aspx?SessionID=1296&Lang=en

to serve as an independent human rights expert on the Committee and on June 6, 2018, then-Ambassador Nikki Haley hosted a reception to promote his candidacy.³

As you know, in its 2014 Concluding Observations, the Committee made detailed recommendations on several key human rights issues. The Committee now seeks an update on measures taken to implement these recommendations. These issues and their corresponding recommendations include but are not limited to: (1) racial disparities in the criminal justice system, including with regard to death penalty convictions and excessive use of force by law enforcement officials; (2) gun violence, including within the context of domestic violence; (3) the rights of indigenous peoples and steps taken by our government to protect their sacred lands, and waters, and conduct proper and meaningful consultations; (4) steps taken and/or legislation implemented to prohibit torture, cruel, inhuman or degrading treatment, particularly with regard to evidence obtained through “enhanced interrogation techniques,” as well as to any form of mental torture including the use of solitary confinement; (5) voting rights, and in particular voter suppression in the form of felony disenfranchisement and voter ID laws; and (6) treatment of immigrants, use of mandatory detention, and conditions of detention – recent policies enacted by the Trump administration such as the Muslim ban and the “zero tolerance policy” have elicited further questions from the Committee on this issue. The current LOIPR seeks responses on these issues, as well as on further questions such as reproductive health issues, sexual violence in schools and the military, climate change, freedom of expression, assembly and association rights.

We believe that the United States should respect its human rights treaty obligations and has a duty to set an example for others striving to protect human rights on a global scale. We urge you to respond to the Committee’s LOIPR in a timely manner and in compliance with the ICCPR’s reporting obligations, thus avoiding an unprecedented situation in which the Committee will have to move forward with the formal review without an official U.S. government report. We further urge you to inform this report with direct information from state, local and tribal governments and with meaningful consultations with civil society organizations and Indigenous Peoples’ representative institutions. Finally, we urge you to begin this outreach before Fall of 2019 to allow for sufficient notice and ability to participate before the US submits its report.

Should you have any questions or need to get in touch with the undersigned organizations, please contact the Co-Chairs of the US Human Rights Network ICCPR Task Force: Jamil Dakwar (jdakwar@aclu.org) and Elica Vafaie (elicav@advancingjustice-alc.org).

Sincerely,

Aging People in Prison Human Rights Campaign
American Civil Liberties Union (ACLU)
Amnesty International USA

³ <https://twitter.com/USUN/status/1004429659398909954>

Asian Americans Advancing Justice- Asian Law Caucus
Boston University International Human Rights Clinic
Campaign for Youth Justice
Cardozo Law Institute in Holocaust and Human Rights (CLIHHR)
Center for Constitutional Rights
Center for Reproductive Rights
Chickaloon Native Village
Columbia Law School Human Rights Institute
Cornell Gender Justice Clinic
Council on American-Islamic Relations, Austin
Council on American-Islamic Relations, Cincinnati Chapter
Council on American-Islamic Relations, Sacramento Valley/Central California
Council on American-Islamic Relations, San Francisco Bay Area
Disability Studies Program, UC Berkeley
Food & Water Watch
Four Freedoms Forum
Global Initiative for Economic, Social and Cultural Rights
Global Initiative to End All Corporal Punishment of Children
Global Justice Center
Haas Institute for a Fair and Inclusive Society
Hawaii Institute For Human Rights
Human Rights Advocates
Human Rights and Gender Justice Clinic, CUNY School of Law
interACT: Advocates for Intersex Youth
International Action Network for Gender Equity & Law
International Service for Human Rights
Iranian American Bar Association
Kent State Truth Tribunal
LatinoJustice PRLDEF
Lawyers Committee for Civil Rights Under the Law
MADRE
Muslim American Society (MAS) Immigrant Justice Center
National Immigration Law Center
National Law Center on Homelessness & Poverty
New Jersey Red Umbrella Alliance
New Mexico Environmental Law Center
Project South
Rights and Democracy of VT & NH
Robert F. Kennedy Human Rights
Santa Clara University - International Human Rights Clinic
The Advocates for Human Rights

The Leadership Conference on Civil and Human Rights

The Whitney R. Harris World Law Institute

Tribal Link Foundation

T'ruah: The Rabbinic Call for Human Rights

US Human Rights Network

United Confederation of Taíno People

USC International Human Rights Clinic

Women Enabled International

Woodhull Freedom Foundation

CC:

Mr. Ahmed Amin Fathalla, Chair, U.N. Human Rights Committee

The Honorable James E. Risch, Chairman, U.S. Senate Committee on Foreign Relations

The Honorable Eliot L. Engel, Chairman, U.S. House Committee on Foreign Affairs