



February 9, 2021

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

Re: U.S. participation in the third Universal Periodic Review of the United States

Dear Mr. Busby:

We are members of the US Human Rights Network (USHRN), a national network of human rights organizations and directly-impacted individuals working together to improve human rights protections in the U.S. for all people.

The world is closely watching how the United States will approach human rights under new leadership. We welcome the announcement to reengage with the UN Human Rights Council and we hope the Administration will set a good example by promoting respect and accountability for universal human rights at home and abroad. We are writing to urge the Biden Administration to use the upcoming 46th Session as an opportunity to make the announcement and reengage fully with the Universal Periodic Review (UPR) process. We urge you to demonstrate a good example at home by meeting with civil society leaders and human rights defenders to discuss an effective approach to U.S. adoption of the “Outcome Report” in March 2021. Global reengagement will lack impact if it is not coupled with a focus on how to strengthen human rights at home, at the federal, state, and local levels, while in the midst of COVID-19 pandemic.

When the U.S. appears in front of the Human Rights Council in March, it will be a critical opportunity to signal support for human rights here at home as well as in foreign policy -- marking a clear departure from the past four years.

The U.S. government response to the UPR recommendations is an opportunity to reverse harmful policies, honestly discuss challenges facing the United States, and to commit to adopting new policies and clear actions for improvement. As you are aware, in advance of the November 9, 2020 UPR of the U.S., the Trump Administration orchestrated one limited “consultation” with civil society. The U.S. report ignored views and concrete recommendations made by civil society and human rights organizations. Instead, it was filled with inaccurate legal statements and false assertions. The report pointedly omitted the COVID-19 pandemic, the national reckoning with systemic racism, and ongoing domestic threats to the rule of law.

During the November 9th UPR more than 100 States issued over 300 [recommendations](#) to the United States. The delegates expressed overwhelming concern about issues related to racial

justice, access to universal healthcare, capital punishment and women's reproductive rights. The U.S. delegation's responses during the UPR session were deeply disappointing, at times misleading and very troubling. There was no meaningful dialogue or recognition of the most pervasive human rights problems in the United States.

The Biden Administration Should Meaningfully Participate in the UPR in March

The Human Rights Council's Outcome Report provides the United States with the opportunity to reinstate itself as a defender of global human rights and to lead by the power of its example. During the March adoption, the United States can illustrate leadership by providing an honest assessment of human rights, and accepting the recommendations that have the potential to strengthen domestic law, policies and programs, and to shape a foreign policy agenda that more strongly respects human rights and fosters global solidarity.

We applaud the steps that the Biden Administration has taken in its first month to reengage with the international community such as reentering the Paris Climate Accord and rejoining the World Health Organization. We welcome the concrete steps to address urgent public policy matters such as revoking the Keystone XL Pipeline permit, repealing the Muslim Ban, extending the eviction moratorium, and prioritizing equity across the federal government, among others. Where Biden Administration actions align with the UPR recommendations, there is a chance for the U.S to show progress.

We urge you to specifically address UN Member States' recommendations by supporting all feasible recommendations and committing to concrete action to effectuate them. Where the U.S. does not fully support a recommendation, providing a rationale for this choice will foster greater transparency on the barriers to implementation.

In order to signal that implementing human rights at home and globally is a top priority for the US government, we recommend that a strong, high-level delegation of government representatives address the Human Rights Council on behalf of the United States in March.

Domestic Human Rights Implementation Must be a Priority

U.S. participation and follow-up to the UPR is essential. However, the real human rights work does not take place in Geneva; it happens back home. History has shown that positive and well-intentioned executive action to advance human rights at home and abroad can be easily undone if this work is not institutionalized and prioritized, or undertaken in consultation with impacted groups and communities. In order to ensure that robust global reengagement leads to long-term change, we urge this Administration to regularly consult with civil society on human rights and establish mechanisms to raise awareness of U.S. human rights commitments, and to ensure implementation of these commitments at all levels of government.



During the Third US UPR Cycle, a significant number of States recommended that the United States abolish the death penalty, enact policies to address racial justice within its police force and criminal legal system, address health disparities, address violence against the LGBTQ community, ensure economic and social rights, protect migrants' rights, lift sanctions against the International Criminal Court, and ratify all human rights treaties including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child. The implementation of these recommendations is long overdue, and we believe now is the time to publicly address these concerns and take meaningful action towards bringing the U.S. in line with international human rights norms.

U.S. Human Rights Engagement Must Reflect Meaningful Participation of Civil Society

Members of the US Human Rights Network work across the full spectrum of human rights issues, and have experience and expertise that should inform U.S. policy-making, and global commitments and priorities. In the short term, we respectfully request a meaningful consultation with U.S. government representatives before March so that civil society perspectives can inform the U.S. responses to the UPR Outcome Report. Such engagement is vital to accurate, effective decision-making and implementation of U.S. human rights obligations. Moving forward, it will be essential to establish a timely and clear channel of communication between government representatives and civil society with respect to engagement with regional and international human rights mechanisms to ensure that the United States' human rights agenda reflects fundamental human rights values.

We know that the Biden Administration shares our interest in looking for thoughtful, strategic, and creative ways to improve engagement with human rights mechanisms to live up to longstanding U.S. values, commitments and obligations. Now is the time to take action, and we welcome the opportunity to help with this effort. If you have any questions, please contact the US Human Rights Network's International Mechanisms Coordinator Kerry McLean at kmclean@ushrnetwork.org.

Sincerely,

The US Human Rights Network UPR Task Force (Task Force members listed below)

American Civil Liberties Union (ACLU)

Center for Ideas, Equity and Transformative Change

MS Food Justice Collaborative

National Homeless Law Center

Women Lead Network



Woodhull Freedom Foundation

National Lawyers Guild International Committee

Another Gulf is Possible

MS Food Policy Council

Best Practices Policy Project

Human Rights Project at the Urban Justice Center

Sex Workers Project of the Urban Justice Project

Empathy Surplus Project Foundation

The GAP Gyrlz and GAP Gyz Movement

Prof. Hannah Garry, USC Gould International Human Rights Clinic

JoAnn Kamuf Ward, Director, Human Rights in the US Project, Columbia Law School
Human Rights Institute