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HUMAN RIGHTS COUNCIL STUDY GUIDE

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GimnazijaVič

Study Guide:

Human Rights Situation in the USA

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INTRODUCTION

The U.S. touts itself as a global leader in Human Rights, however the gap between U.S. laws and policies and international human rights norms has become bigger.

As a signatory to the International Covenant on Civil and Political Rights (ICCPR), the United States must periodically report to the United Nations Human Rights Committee on its efforts to respect, protect, and fulfil basic civil and political rights. In its Concluding Observations, the Committee found that the United States failed to uphold human rights obligations in over 30 distinct thematic issues.

The United Nations Human Rights Committee delivered a searing report in 2023 highlighting the U.S. government's failure to meet its human rights obligations under the International Covenant on Civil and Political Rights (ICCPR). This international treaty, ratified by the U.S. in 1992, is one of only three key human rights treaties that the U.S. has ratified.

The U.N. committee's concluding observations echo many of the concerns and recommendations raised by civil society groups during the U.S. review, where they sounded the alarm on violations of various human rights issues including Indigenous rights, voting rights, freedom of expression and assembly, gender equality and reproductive rights, criminal legal reform, immigrants' rights, and more.

HUMAN RIGHTS ISSUES IN THE US

The United States has grappled with human rights issues since its founding in 1776. The nation's history reflects a complex and evolving struggle with human rights, shaped by both advancements and setbacks.

As of today, the United States faces several significant human rights issues that continue to generate debate and activism. These issues often intersect and are influenced by broader social, economic, and political dynamics. Some of the most pressing human rights concerns are:

1. Racial Injustice and discrimination

Congress introduced four resolutions or bills that addressed reparations and truth and healing commissions regarding chattel slavery and Indian boarding schools and their legacies. The descendants of enslaved Africans, African Americans and Indigenous Peoples continued to live with intergenerational trauma, as well as the detrimental economic and material impacts of the legacy of slavery and colonialism, without reparations.

Following the Hamas attacks in Israel on 7 October, and the subsequent Israeli bombardment and ground invasion of Gaza, antisemitic and Islamophobic incidents against people who were or were perceived to be Jewish, Muslim, Israeli or Arab increased exponentially.

Police Brutality: The disproportionate **use of force** by law enforcement against Black and other minority communities has been a major issue, highlighted by cases like the deaths of George Floyd and Breonna Taylor. The Black Lives Matter movement has brought global attention to this issue. According to media sources, police shot and killed 1,153 people in 2023. Black people were disproportionately impacted by the use of lethal force, comprising nearly 18.5% of deaths from police use of firearms, despite representing approximately 13% of the population.

Following a visit by the UN International Independent Expert Mechanism to Advance Racial Justice in the Context of Law Enforcement, the delegation called on the USA to collect, compile, analyse and publish data, disaggregated by race or ethnic origin, on direct interactions by the population with law enforcement and the criminal justice system. It also required the USA to ensure accountability in all cases of excessive use of force and other human rights violations by law enforcement officials, through

prompt, effective and independent criminal investigations, with a view to holding perpetrators accountable.

2. Immigration and Asylum

The treatment of undocumented immigrants and asylum seekers, including the separation of families at the border and the conditions in detention centers, has been widely criticized for violating human rights.

Following the termination of immigration policy Title 42, the USA implemented new migration measures that continued to drastically limit access to asylum at the US-Mexico border. These included an asylum ban that presumed ineligibility for asylum unless the individual was able to meet one of three exceptions and mandated the use of the CBP One mobile application (launched by US Customs and Border Protection in 2020) to schedule asylum appointments at specific ports of entry.

Congress did not vote on the Afghan Adjustment Act, which would have provided pathways to permanent residency status for Afghan evacuees.

Authorities continued a system of arbitrary mass immigration detention, surveillance and electronic monitoring. The for-profit industry continued to use private prisons to detain people seeking safety.

State authorities instituted new transportation schemes to transport asylum seekers from border states into the interior of the USA. Cities struggled to provide adequate shelter and services to arriving asylum seekers, with growing populations of asylum seekers unhoused or housed in inappropriate settings such as police stations or congregate shelters.

3. Healthcare Access and health concerns

The **high cost of healthcare and insurance**, along with disparities in access to medical services, particularly for low-income individuals and marginalized communities, is a major human rights concern. This includes the ongoing debate over **universal healthcare** and the right to reproductive health services. There is a healthcare crisis in the United States, with countless people unable to access life-saving care due to cost. This has a disproportionate impact on people already marginalized due to socio-economic status, racial identity, gender identity, sexual orientation, immigration status, and other factors.

Marginalized communities are disproportionately affected by **environmental hazards**, such as pollution, toxic waste sites, and climate change impacts. Climate justice advocates argue for policies that address these inequities and protect vulnerable populations. The USA continues to supply the world with plastics manufactured from fossil fuels, and frontline communities bore the brunt of the impact, which disproportionately affected Black people, other racialized groups, low-income people and those with limited English proficiency. According to a 2021 report, the most recent year for which data was available, people living within three miles of petrochemical clusters earned 28% less than the average US household and were 67% more likely to be Black, Indigenous and racialized people. Exposure to pollutants emitted in the production of petrochemicals was linked to several health impacts commonly reported by frontline communities, especially among children, including high cancer rates, asthma and respiratory issues.

The Flint water crisis and similar issues in other areas have raised concerns about the **right to clean water**, particularly for low-income and minority communities.

4. Gender Equality and Women's Rights

The human rights of women and girls are not secured in the US Constitution, despite the impacts being life-changing and wide-ranging. Gender inequality underpins many problems which disproportionately affect women and girls, such as domestic and sexual violence, lower pay, lack of access to education, and inadequate healthcare.

Girls are disproportionately affected by the absence of a solid legal foundation to challenge and combat harmful cultural practices such as **child marriage**, which remains legal in 37 states. Over 300,000 minors were married in the US between 2010 to 2018. Girls account for 86% of these minors, with most wed to adult men.

Women are overrepresented in insecure, low-paid, unregulated jobs. This is reflected in the country's **gender pay gap**, with women's wages lower on average compared to their male counterparts. Analysis by the US Department of Labor found that women typically earn 84% of what men were paid.

Access to abortion and other **reproductive health services** has become a contentious issue, especially following the Supreme Court's decision to overturn Roe v. Wade in 2022, leading to significant restrictions on abortion rights in many states.

Following the 2022 US Supreme Court decision that ended federal protections around the right to abortion, 15 states implemented total bans on abortion or bans with extremely limited exceptions, impacting millions of people of reproductive age. Laws changed quickly and faced complicated

challenges, creating a culture of uncertainty for many seeking abortion care. Multiple states sought to criminalize, or had criminalized, medication abortion, travelling out of state to receive abortion care, or assisting someone in a state with an abortion ban on travelling to receive abortion care.

Domestic violence, sexual harassment, and assault remain prevalent, with ongoing challenges in providing adequate protection, support, and legal recourse for victims.

5. LGBTQ+ Rights

Despite progress, LGBTQ+ individuals still face **discrimination** in areas like employment, housing, and healthcare. Transgender people, in particular, are at higher risk for **violence, harassment, and legal challenges** related to gender identity. They are nine times more likely than non- LGBTQ+ people to be victims of violent hate crimes.

There has been a rise in state-level legislation targeting LGBTQ+ rights, particularly around issues such as transgender youth's access to gender-affirming care and participation in sports.

The passage of anti- LGBTQ+ laws at the state level increased dramatically. In 2023, 84 anti- LGBTQ+ bills were enacted, a fourfold increase on 2022. A growing number of laws were enacted under the claim of religious freedom that curtailed or effectively eliminated the rights of LGBTQ+ individuals.

6. Indigenous rights

The number of Indigenous people in the United States of America is estimated at between 3.1 and 8.7 million,[1] of which around 20% live in American Indian areas or Alaska Native villages. Indigenous Peoples in the United States are more commonly referred to as Native groups.

Native American communities continue to **fight for land rights**, environmental protection, and **sovereignty** over their lands. They face **eviction from the ancestral lands** they have inhabited for generations. Issues like the Dakota Access Pipeline have highlighted the ongoing struggles over sacred sites and natural resources. They face significant disparities in access to healthcare, education, and social services, contributing to higher rates of poverty, disease, and other social issues. Indigenous human rights defenders are intimidated, attacked, and sometimes even killed.

Amnesty International defends the rights of Indigenous Peoples in all regions of the world. Their goal is for governments to implement laws and policies that bring the UN Declaration on the Rights of Indigenous Peoples to life, particularly around:

- Effectively consulting Indigenous Peoples to obtain their free, prior and informed consent for decisions that affect them;
- Maintaining their distinct cultural identities;
- Living free from discrimination and the threat of genocide;
- Having secure access to the lands and resources essential to their well-being and ways of life.

7. Gun Violence

The high incidence of gun violence in the U.S., including mass shootings, domestic violence, and police shootings, has led to calls for stricter **gun control** measures to protect the right to life and safety. Firearm violence is a preventable public health tragedy affecting communities across the United States. In 2022, 48,117 people died by firearms in the United States — an average of one death every 11 minutes.

According to media sources, police shot and killed 1,153 people in 2023. Black people were disproportionately impacted by the use of lethal force, comprising nearly 18.5% of deaths from police use of firearms, despite representing approximately 13% of the population.

Over 26,993 people died by firearm suicide, 19,592 died by firearm homicide, 472 died by unintentional gun injury, and an estimated 649 were fatally shot by law enforcement. Overwhelming evidence shows that **firearm ownership and access** is associated with increased suicide, homicide, unintentional firearm deaths, and injuries.

8. Death penalty

The death penalty remains one of the most contentious human rights issues in the United States.

Despite a moratorium on federal executions remaining in place, the Department of Justice continued to defend existing federal death sentences and sought reinstatement of death sentences on appeal and the imposition of new ones at trial. Two federal abolition bills were reintroduced in both houses of Congress, but neither was voted on.

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The death penalty is legal in 24 U.S. states, while 23 states and Washington, D.C., have abolished it. Three states have moratoriums in place (California, Oregon, and Pennsylvania), meaning that while the death penalty is technically legal, no executions are currently being carried out.

The most common method of execution in the U.S. is lethal injection. However, some states allow alternative methods such as electrocution, gas chamber, hanging, or firing squad, either as a backup if lethal injection is unavailable or at the request of the condemned.

CONCLUSION

The United States made some progress implementing more rights-respecting policies. The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights. However, despite some good faith efforts, the United States still falls short in upholding some basic international human rights standards. Several areas of concern include the human rights and health harms of U.S. immigration policies, violations of medical ethics and the right to health caused by abortion bans, and the excessive use of force by law enforcement against individuals in police custody and peaceful protestors, among other issues.

The committee has asked the U.S. to follow up in three years with its progress in three main areas: reproductive rights, voting rights and freedom of assembly. While the next U.S. periodic review will take place in 2031, the U.S. government must immediately start implementing these recommendations and ensure that this process is informed by meaningful consultation with civil society organizations. As the world watches, we cannot waste any time to realize human rights for all in the U.S.

Source

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