

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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United States of America



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About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-political organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a member of the Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation of the United States of America, as well as the human rights situations caused by its foreign policy, in order to contribute to the improvement of human rights both inside and outside the country.

A. Refugees' and migrants' rights

5. During recent years the human rights situation of migrants and refugees has been deteriorating. Specifically, after the presidential elections in 2016, a number of executive orders affecting migrants, asylum-seekers and refugees were signed. The U.S.-Mexico migration corridor is the world's largest.¹ However, orders called for a wall to be built along this border in 2018 and 2019 that created a "manufactured crisis". In fact, it allowed for *refoulement* (forcible return) and the increased detention of asylum-seekers and their families, increased the functions and number of immigration and customs enforcement agents, and prioritized deportation of migrants, especially those suspected of crimes.²
6. The policy of making it harder and harder to seek asylum - and separating families who do - leads to tragedies. The heart-rending photo published on 26 June 2019³, showing the lifeless bodies of Salvadoran toddler Valeria and her father on the bank of the Rio Grande is a stark reminder of the perils facing migrants trying to reach the US.⁴
7. Furthermore, detaining migrant children may constitute cruel, inhuman or degrading treatment that is prohibited under international law.⁵ Immigration detention is never in the best interests of a child. According to a report by the US Department of Homeland Security's Office of Inspector General on the conditions in migrant centers along the southern border, so far in 2019, Border Patrol agents have taken roughly 600,000 migrants into custody. Seven children have died.⁶

B. Discrimination based on race, gender, and religion

B-1. Race

8. As a signatory to the Convention on the Elimination of All Forms of Racial Discrimination, the US has failed in meeting its obligations. Racial discrimination intersects with all of the US domestic issues from over incarceration of Black and Latino people fueled by the disproportionately harsh sentences meted out for all categories of crime, including violent offenses, to the failed War on Drugs, to prosecution and bail policies that coerce people into guilty pleas, to surveillance of specific groups to immigration policies that scapegoat

¹ <https://www.pewresearch.org/fact-tank/2016/05/18/5-facts-about-the-u-s-rank-in-worldwide-migration/>

² <https://www.amnesty.org/en/countries/americas/united-states-of-america/report-united-states-of-america/>

³ <https://www.reuters.com/article/us-usa-immigration-mexico/photo-of-drowned-migrants-triggers-fight-over-trump-asylum-clampdown-idUSKCN1TR23Q>

⁴ <https://news.un.org/en/story/2019/06/1041421>

⁵ <https://www.usatoday.com/in-depth/news/politics/elections/2019/07/16/migrant-detention-centers-described-2019-us-government-accounts/1694638001/>

⁶ <https://www.cbp.gov/newsroom/stats/sw-border-migration>

immigrants as criminals, or subject asylum seekers and refugees to disparate treatment based on their national origin.⁷

9. Discriminatory policies in schools lead to the so-called “school-to-prison pipeline.” Due to zero-tolerance policies in schools, disadvantaged black youths quickly end up being pushed out of school and into the juvenile and criminal justice systems, instead of being given a chance and receiving counseling within the school system.⁸
10. Racial disparities continue to exist at every stage of the criminal justice system. A report on The New York Times website from June 7, 2018 says that by 2017, only one police officer had been sentenced to jail in 15 cases involving the killing of African-Americans.⁹

B-2. Gender

11. Attacks on the rights of women and girls were multi-faceted in recent years. The current administration overturned policies that required universities to investigate sexual violence as gender discrimination and suspended equal pay initiatives that had helped women to identify whether they were being paid less than male colleagues.¹⁰
12. Gross inequalities remained for Indigenous women in accessing care following rape, including access to examinations, forensic evidence kits for use by medical staff, and other essential health care services. Indigenous women are 2.5 times more likely to be sexually assaulted or raped than other women in the United States.¹¹

B-3. Religion

13. According to reports, not only Islamophobia exists in the United States, but its consequences are on the rise each year. A 17 percent increase in anti-Muslim bias incidents nationwide in 2017 over 2016 was recorded. This was accompanied by a 15 percent increase in hate crimes targeting American Muslims.¹²

⁷ <https://www.hrw.org/united-states/racial-discrimination>

⁸ <https://www.internations.org/usa-expats/guide/29460-safety-security/racism-and-discrimination-in-the-us-16290>

⁹ http://www.chinadaily.com.cn/cndy/2019-07/27/content_37495927.htm

¹⁰ <https://www.amnesty.org/en/countries/americas/united-states-of-america/report-united-states-of-america/>

¹¹ <https://www.amnestyusa.org/wp-content/uploads/2019/02/End-rape-orange.pdf>

¹² http://islamophobia.org/images/Targeted_2018_Civil_Rights_Report.pdf

14. The number of hate groups specifically targeting Muslims in the US has nearly tripled during 2016.¹³ 61% of Muslims reported having experienced religiously based discrimination in 2017 more than once.¹⁴ Half of Muslim Americans say it has become harder to be Muslim in the US in recent years.¹⁵ 28 percent of Muslims claimed they had the experience of being mistaken for suspects, and 21 percent of Muslims said that they had to go through separate security checks at airports.¹⁶
15. An executive order banned entry of foreign nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen for 90 days in 2017. It also imposed an indefinite ban on the resettlement of refugees from Syria. After protests the government issued a revised version of the order again and imposed a 90-day ban on entry into the USA of nationals of six countries (the original seven minus Iraq).¹⁷ The orders immediately led to chaos, protests and legal challenges on the basis of discrimination towards Muslims. It has affected many families, students and refugees.¹⁸
16. Muslims make up less than one percent of the US population, but 14 percent of the religious discrimination cases investigated by the federal government have involved Muslims.¹⁹

C. Scope of International Obligations

17. One of the main mechanisms for the promotion and protection of human rights is the expansion of international organizations and treaties. However, the United States is one of the few countries that has not ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child, the International Covenant on Economic, Social, and Cultural Rights (CESCR) and its Optional Protocol, the Convention on the Rights of Persons with Disabilities, United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearances.

C-1. Unilateral Withdrawal from International Treaties and Agreements

¹³ <https://www.independent.co.uk/news/world/americas/donald-trump-blame-islamophobic-anti-muslim-ban-hate-crime-numbers-southern-poverty-law-center-a7582846.html>

¹⁴ <https://www.weforum.org/agenda/2018/08/muslims-in-united-states-more-politically-engaged-islamophobia/>

¹⁵ <https://www.pewforum.org/2017/07/26/the-muslim-american-experience-in-the-trump-era/>

¹⁶ http://www.chinadaily.com.cn/cndy/2019-07/27/content_37495927.htm

¹⁷ <https://www.amnesty.org/en/countries/americas/united-states-of-america/report-united-states-of-america/>

¹⁸ <https://www.aa.com.tr/en/americas/us-muslim-ban-continues-to-devastate-lives-/1517403>

¹⁹ http://www.chinadaily.com.cn/cndy/2019-07/27/content_37495927.htm

18. Multilateralism is necessity for the preservation of international peace and security and unilateral United States withdrawal from international treaties and conventions can seriously damage international relations norms and the credibility of international organizations, threaten peace, security, respect to human dignity and facilitate the growth and spread of violence and terrorism.
19. The US unsigned the Rome Statute of the International Criminal Court (ICC) in 2002, and since then, it has systematically undermined the ICC by signing bilateral agreements with states to exempt US military and government personnel from the court's jurisdiction.²⁰
20. In November 2016 the United States announced its departure from the Trans-Pacific Partnership. This treaty was the result of 7 years of talks between the United States and 11 other countries of the Pacific region which covers a population of over 800 million, and its coverage directly affected 40 percent of global trade.
21. In June 2017 the United States announced that it was leaving the Paris Climate Accord. The Paris Accord was signed in 2015 following years of talks and negotiations between 195 countries of the world to reach a universal agreement for the fight against climate change.
22. In January 2019, the US officially left the UNESCO.
23. In May 2018, the US withdraw from the Joint Comprehensive Plan of Action (JCPOA), known as Iran nuclear deal, that the five permanent members of the UN Security Council alongside Germany negotiated for two years. Although the IAEA certified, over ten times, that Iran had met the nuclear agreement's requirements, the United States re-imposed sanctions and moved to wipe out Iran's oil exports. On the same date, the United States violated the Security Council Resolution 2231 related to JCPOA and continued to encouraged other countries to do so.
24. On 3rd Oct. 2018 the United States ignored the ruling of the International Court of Justice orders US to ease Iran sanctions and continued to increase the unilateral economic measures. On the date, the ICJ unanimously decided that the United States *"must remove, by means of its choosing, any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of (i) medicines and medical devices; (ii) foodstuffs and agricultural commodities; and (iii) spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation."*²¹

²⁰ <https://www.globalpolicy.org/empire/26665-us-position-on-international-treaties.html>

²¹ . <https://www.icj-cij.org/files/case-related/175/175-20181003-PRE-01-00-EN.pdf>, pp.59

C-2. Extra-territorial Obligations

25. Unilateral Coercive Measures (UCM)s imposed by the United States on countries including the Islamic Republic of Iran, Iraq, Cuba and Venezuela have resulted in widespread violation of Human Rights in target countries. In Venezuela, the sanctions amounted to 40 Billion dollars loss and caused 40,000 deaths²². In Cuba, the sanctions resulted in billions of Dollars loss²³ and limits access to food and medicine threatening life and health of the population. In Iraq, half a million children died of sanctions and the United States viewpoint was that “the price was worth it.”²⁴
26. The on-the-ground experiences of NGOs based in Iran proves that the United States Unilateral Coercive Measures (UCM)s violate the right to life and the right to health in the country as well as all other countries targeted by sanctions including Cuba, Venezuela and Syria. The violations are also documented by the most recent report of the United Nations’ Secretary General on Iran: the UN *“Human rights mandate holders have expressed concern that sanctions and banking restrictions may unduly affect the production, availability and distribution of medicines, pharmaceutical equipment and supplies. The significant rise in prices of medicines and the depletion of available stocks, combined with the increased risk of corruption and obstacles to the development of the pharmaceutical industry, will continue to affect the health sector, which may result in the increase of preventable mortality and morbidity and have a negative impact on the effective enjoyment of the right to health”*²⁵.
27. Sanctions on oil export are considered as violation of the common Article 1 of ICESCR and ICCPR; sanctions on medicine violate Article 12 of ICESCR and Article 25 of the Convention on the Rights of Persons with Disabilities; and limitation of access to education violates Article 26 of Universal Declaration of Human Rights.
28. The United Nations’ attempts and resolutions to prevent the humanitarian effects of Unilateral Sanctions on target countries have not been effective enough to protect the people’s rights in target countries. On Cuba, the UN General Assembly has, since 1992, passed a resolution every year condemning the ongoing impact of the embargo and declaring it in violation of the Charter of the United Nations and of international law, all resolutions are overlooked by the United States. On Venezuela, the UN rapporteur to visit the country, Alfred de Zayas, criticized the US for engaging in “economic warfare” against Venezuela saying that the US sanctions are illegal and could amount to “crimes against

²² . <http://cepr.net/images/stories/reports/venezuela-sanctions-2019-04.pdf>

²³ . https://en.wikipedia.org/wiki/United_States_embargo_against_Cuba#Socio-economic_effects_of_the_embargo

²⁴ . <https://radioviceonline.com/1996-secretary-of-state-500000-dead-iraqi-kids-worth-it/>

²⁵ . A/74/273

humanity” under international law²⁶, while the United States are continuing its unilateral measures.

29. Also, Idriss Jazairy, the UN Special Rapporteur on the Effect on Unilateral Coercive Measures, has repeatedly condemned the violation of human rights through sanctions for furthering political objectives²⁷. He believes that the recent imposition of unilateral coercive measures on Cuba, Venezuela and Iran by the United States, for political purposes, violates human rights and the norms of international behavior”, adding that “...political differences between governments must never be resolved by precipitating economic and humanitarian disasters, making ordinary people pawns and hostages thereof.”²⁸ However, the United States has failed to pay attention to the comments and criticisms of the UN experts.

30. One of the most inhuman effects of sanctions were witnessed during the Iran flood in early spring 2019, when Unilateral Economic Measures prevented Iran from access to financial humanitarian aid. The UN the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Mr. Idriss Jazairy, in his most recent report to the UN Human Rights Council, “notes with concern the statement made by the Iranian Red Crescent Society that United States sanctions have already prevented it from obtaining any foreign financial aid to assist victims of the recent flooding that has killed at least 70 people and inundated some 1,900 communities in the Islamic Republic of Iran. This points to the ineffectiveness of humanitarian exemptions to sanctions, a situation that cannot be justified in terms of humanitarian law”²⁹.

Recommendations:

31. Being seriously concerned about the ongoing hatred and discrimination against Muslims, ODVV calls on the NGOs in the US to study ways of convincing the decision makers to move toward social inclusion of minorities.

32. ODVV calls on the US government to:

Review in depth its migration policy and strengthen human rights education programs and training for law enforcement and immigration officers, and combat impunity concerning abuses against migrant.

²⁶ . A/HRC/39/47/Add.1

²⁷ . <https://news.un.org/en/story/2018/11/1025201>,
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

²⁸ . <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangID=E>

²⁹ . A/HRC/42/46, (p.4).

33. Ensure that migrants in detention, subject to a process of expulsion are entitled to counsel, a fair trial and fully understand their rights, even in their own language.
34. Fully investigate cases of deaths of migrants by customs and border patrols.
35. Halt the detention of immigrant families and children and seek alternatives to detention.
36. Take necessary measures to combat discriminatory practices against women and migrant workers in the labor market.
37. Improve legislation towards a genuine gender equality and promote actions to eradicate sexual and domestic violence.
38. End discrimination in law and practice against all minorities and take effective steps to prevent and combat violence against them.
39. Review the country's hate crime laws and pay attention to the concerns expressed by human right groups while making amendments to domestic laws. Also prepare a programmer with the aim of reduction of the growth of Islamophobia and xenophobia within the society.
40. Consider ratifying the international treaties which are significant tools of human rights protection. Specially, to ratify the Convention on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers. Also step up efforts to ratify the Convention on the Elimination of All forms of Discrimination against Women.
41. To seriously avoid unilateralism to fulfil national interests because they undermine international order as well as peace and stability in the world. Such decisions which are in clear contrast to international law and the UN Charter will damage the credibility and legitimacy of international bodies and treaties, endanger the international rule of law, undermine multilateral mechanisms and set a precedent for other countries to secure national interests at the expense of disregarding hard-won international agreements.
42. To stay committed to its extraterritorial obligations and refrain from direct violation of civilian's human rights specially the right to life, the right to health and the right to access humanitarian aid in natural disasters.

43. To stop extensive violation of all human rights caused by the sanctions imposed on SWIFT interbank messaging system, especially the right to life and the right to health of the civilians in target countries.
44. To seriously refrain from secondary sanctions and stop forcing and threatening other States, international companies and banks to prevent their activities in sanction-target countries.