

Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté

Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF



Suggested recommendations by WILPF for the second Universal Periodic Review of the United States of America – 22nd session of the UPR Working Group

Food Contamination and the Human Right to Health

Tens of thousands of chemicals come to the market every year with most never being tested for toxicity levels. Of major concern are chemicals used in herbicides and pesticides applied to genetically modified crops that can disturb the development of a fetus and cause hormone disruption. Exposure to trace amounts of these chemicals, especially in food and water, can lead to birth defects, disrupt normal brain and nervous system development and function, harm our reproductive systems, and cause behavioral and development problems in children.

Industrial and agricultural corporations regularly violate the human right to health and to safe food and drinking water, through toxic contamination of air, land water and produce, without risk of prosecution in the USA. Corporations have no right to harm individual or collective public health.

The Special Rapporteur on the human right to safe drinking water and sanitation reported after his visit to the USA: "A policy disconnect seems to exist between polluting activities and their ultimate impact on the safety of drinking water sources. The absence of integrated thinking has generated enormous burdens, including increased costs to public water systems to monitor and treat water to remove regulated contaminants, and detrimental health outcomes for individuals and communities"¹.

In this context, WILPF suggests the following recommendation:

- That the U.S. enact a Federal Human Right to Health Law that makes clear that corporations have no right to contaminate food and water, and ensure the human right to health is recognised by law and enforced.

Ratification of International Human Rights Conventions

The U.S. currently lacks accountability for its infringement on its' citizens' rights. This is obvious in its enactment of its own policies addressing similar rights violations with borrowed language while removing itself from a system of review.

The U.S. is not a state party to the Rome Statute of the International Criminal Court. It has also not ratified the Convention on the Rights of the Child (CRC). Additionally, though the U.S. is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the U.S. has yet to ratify this convention.

In this context, WILPF suggests the following recommendation for the UPR of the United States:

- The United States must ratify the Rome Statute, CRC, ICESCR, and CEDAW regardless of its own similar federal laws which remove the factor of accountability and review.

¹ Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque Addendum Mission to the United States of America: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/153/79/PDF/G1115379.pdf?OpenElement>

Labor Rights

Corporations have erroneously been given personhood rights since the misinterpretation of an 1886 Supreme Court Decision. In accordance with the Fourth Amendment of the Bill of Rights, corporations have been found to have the same right as persons in regard to needing prior notification of inspections, giving businesses under investigation of labour violations the opportunity to prepare and cover any possible evidence of compromised labour practices, thus violating the rights of individual workers. The staff is then prepped on how to answer questions, undocumented staff are told not to report to work during said inspections, and some are threatened with firing if suspected of being whistleblowers.

Therefore, WILPF suggests the following recommendations for the UPR of the United States:

- To remove Fourth Amendment protections from corporations, as they are not individuals;
- To take appropriate legislative and practical measures to ensure that corporations found guilty of wage theft or labor trafficking be subject to financial penalties, including reparations for employees, regardless of citizenship status.
- CEDAW clarifies discrimination under the convention is not restricted to action by or on behalf of Governments (see article 2 (e), 2 (f) and 5). The convention calls on states parties to take appropriate measures to eliminate discrimination against women, by any person, organization or enterprise.

Sexual and Reproductive Rights and International Aid

WILPF joins the Global Justice Center² in its concerns over a USA policy that results in the systematic denial of safe abortion services to girls and women raped in war in violation of their rights under international law. The policy in question is a set of abortion restrictions that the USA places on all of its foreign aid, without exception, including on humanitarian assistance to war victims. As a result of the overly narrow interpretation and implementation of these restrictions, USA funds cannot be used for the provision of safe abortion services to girls and women raped in war. The restrictions also act to limit and censor abortion-related speech abroad. These restrictions by USA Government render the USA noncompliant with its obligations under international humanitarian law, Security Council Resolutions, and international human rights law.

Such restrictions violate IHL, human rights law such as ICCPR and CAT and SCR 2106 and 2122. Security Council Resolution 2106 calls for all donor states to “provide non-discriminatory and comprehensive health services, including sexual and reproductive health ... services for survivors of sexual violence ...”. Security Council Resolution 2122 reinforces this requirement by “noting the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination ...”.

In this context, WILPF joins the Global Justice Center in suggesting the following recommendations for the UPR of the United States of America:

- President Obama should issue an executive order to permit US foreign assistance to be used for safe abortion services in the cases of rape, life endangerment or incest and, in the case of women and girls raped in war, to affirm that their rights to safe abortion are governed and guaranteed by the Geneva Conventions.
- The US Government should issue clear guidance regarding US abortion restrictions so that organizations and foreign governments know that they can provide information about abortion as well as abortion services to women and girls raped and impregnated in war without jeopardizing their US funding.

² Find full report: <http://www.globaljusticecenter.net/index.php/publications/un-submissions>

US based Transnational Companies and their impact on Human Rights

Transnational Companies are responsible for grave human rights abuses worldwide with no clear mechanism to ensure accountability. Taking advantage of social and economic challenges in developing countries, TNC's are major drivers of labor trafficking and serious violations of employment rights especially³.

This is also, if not especially, the case for companies based in the United States, such as the world's largest company by revenue and biggest private employer, Walmart.⁴ As exemplified by recent revelations concerning the Phatthana Seafood Co. in Songkhla, Thailand, Burmese and Cambodian workers producing thousands of pounds of shrimp for Walmart found themselves in conditions amounting to debt bondage, not being free to leave the factory or even relieve themselves while working.⁵

In this context, WILPF suggests the following recommendations for the UPR of the United States of America:

- Promptly pass a thorough National Action Plan consistent with the U.N. Guiding Principles on Business and Human Rights actively including the participation of civil society and ensure its application to immediately end any violation of human rights perpetrated by US based companies
- Support the international initiative to elaborate a Legally Binding Instrument to Prevent & Address Corporate Human Rights Violations

Rights of Undocumented Migrants

The current militarization of the U.S.-Mexico border has caused a surge of unjust treatment of immigrants. The United States spends more on enforcing border militarization than on all other federal law enforcement agencies combined, including efforts to combat the trafficking of drugs and arms.

The wall along the U.S.-Mexico border will cost \$49 billion dollars for a 25-year building and upkeep plan. These high costs include the increasing detention rates of undocumented immigrants, which supersede the national incarcerations costs in the USA, currently ranked as the worlds' highest.

The current zero-tolerance policies, making illegal entry a felony, funnel these non-violent offenders into the for-profit prison industry which has recently caused the highest rate of detained mothers and children. In the last year, children under the age of 5 have been forced to represent themselves in a court of law in compliance with zero-tolerance immigration laws.

WILPF therefore suggests the following recommendations for the UPR of the United States:

- To guarantee that the jurisdiction of and between the different federal and state institutions concerned be delineated and enforced when apprehending, detaining, or investigating undocumented migrants;
- To take appropriate federal measures to enforce transparency of any cases of death of an immigrant by arms or excessive violence brought against the Department of Homeland Security;
- That "contingent country" policies be removed from the Trafficking Victims Protection Reauthorization Act of 2008, allowing fair due process and investigation to unaccompanied children entering through Mexico and Canada.

³ WILPF International "Transnational Companies and Their Impact on Women's Human Rights", 2014 <http://www.wilpfinternational.org/wilpf_statements/transnational-companies-and-their-impact-on-womens-human-rights/>.

⁴ Fortune 500, 2014 <<http://fortune.com/global500/>>.

⁵ John Sifton "Walmart's Human Trafficking Problem", World Policy; September 17, 2012 <<http://www.hrw.org/news/2012/09/17/walmarts-human-trafficking-problem>>.

Arms Trade and Women's Human Rights Protection

The sale of arms by the United States of America to states where human rights violations are widespread, particularly gender-based violence (GBV), further endangers the population, is unequivocally unacceptable and should cease immediately. The United States consistently sells small arms and light weapons to Pakistan and Saudi Arabia.⁶ Considering the well-documented human rights violations and GBV committed by and within these two states, such sales should not have been approved by the United States.

The uncontrolled widespread of arms impedes women's enjoyment of all their human rights. In particular, small arms and light weapons contribute to insecurity within communities and increase the risk for women to experience violent situations. By depriving civilians of a safe environment, arms and violence enable systems of control based on fear. This significantly diminishes the ability of women to fully enjoy civil, political, social and economic rights.

As a mere example, in the case of Pakistan, small arms have been exported⁷ from the USA. In a study carried out in a region of Pakistan characterised by a high level of possession of firearms, women reported that guns possessed by males within the family and household constituted a danger for them and their children and a potential threat restraining their freedom⁸.

There are also cases where the U.S. has agreed to fund the purchase of arms and militarized trainings from other countries. The Merida Initiative is a billion dollar agreement in which the U.S. commits to funding Mexico's purchase of arms and militarized training of police in efforts to combat the deadly drug war. Arms were purchased from Germany, whose government has since apologized for its role in the trade since the forced disappearance of 43 students from the Ayotzinapa rural teaching school on September 26, 2014. Investigations have found that drug cartels, municipal police, and the army were involved in the attack and used German arms.

Whilst the USA has signed the ATT, it is still pending its ratification. Ratification and immediate application are essential as is also to include a solid assessment of the specific potential impacts that a range of conventional arms and their transfers have on women's human rights.

A gender-sensitive risk assessment in arms transfers is also consistent with the objectives of the Women, Peace and Security framework. For example, it strengthens the implementation of initiatives to reduce the impact of conflict on women, while promoting their participation in resolution processes and conflict prevention as 'agents for change'.

In this context, WILPF suggests the following recommendations for the UPR of the United States of America:

- To ratify and apply the Arms Trade Treaty at the earliest possible date.
- Conduct strict gender-sensitive risk assessments in order to stop authorisations of any transfer of conventional arms whenever there is knowledge that the arms or items would be used in the commission of gender-based violence, such as violence against women.
- Include these assessments in federal initiatives which fund the trade of arms whether or not the U.S. is the supplier.

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⁶ SIPRI National Reports database:

http://www.sipri.org/research/armaments/transfers/transparency/national_reports/united_states

⁷ Small arms Survey 2014: Women and Guns <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2014/en/Small-Arms-Survey-2014-Chapter-4-Annexes-4.1-4.2-EN.pdf>

⁸ Awaz Foundation Pakistan, Survey Report Disarming Domestic Violence Campaign 2009. Supported by IANSA.

<http://awazcads.org.pk/Downloads/rstudies/Survey%20Report%20Disarming%20Domestic%20Violence%20Campaign%202009.pdf>