UN Universal Periodic Review Joint Stakeholder Report:

United States of America

“Combating Human Trafficking and Protecting the Human Rights of Women and Girls”

Submitted: September 25, 2019

The United Nations Association-Greater Chicago Chapter (UNA-Chicago) advocates for and engages people living in Chicagoland to understand and appreciate the United Nation’s mission. Through public events, advocacy campaigns, and numerous engagement opportunities, UNA-Chicago seeks to connect global issues with local concerns. The chapter’s signature initiatives include Chicago for CEDAW, Cook County for CEDAW, Engage-an-Embassy Fellowship Program, and the annual InterGenerational Model UN event. For more information, visit www.unachicago.org.

The United Nations Association-Greater Detroit Chapter (UNA-Detroit) is a proud and thriving local chapter of UNA-USA. We have about 100 members from Southeastern Michigan, and we partner with local NGOs, particularly those serving marginalized communities, to increase the fluency and support of the work of the United Nations. For more information, please visit: http://www.unadetroit.org/.

The United Nations Association-Kentucky Division (UNA-Kentucky) is dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations for 46 years. There are 5 chapters in Kentucky (3 Community Chapters and 2 student Campus chapters) plus the Kentucky Division. For more information, please visit: www.unausaky.org.

The United Nations Association-Southern California Division (UNA-Southern California Division) is engaged in holding meetings and events that focus on the Sustainable Development Goals and the importance of a strong U.S.-UN relationship. Particular attention has recently focused on the refugee situation and climate change although gender equality, human rights, and sex trafficking also remain major areas of chapter attention. For more information, please visit: una-socal.org.

The United Nations Association-Whittier Chapter (UNA-Whittier) has two functions: the first is to inform people in the Whittier area about the work of the United Nations and its associated agencies around the world, and second, to bring the ideas and ideals of the UN family to life in our own community. Activities include lectures, discussions about UN activities and world affairs, and actions that ensure UN activities happen in our own communities. For more information, please visit: unausa.org/chapter/whittier/.

The United Nations Association of the United States of America (UNA-USA), a program of the UN Foundation, is a membership organization dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations. For more than 70 years, UNA-USA has worked to accomplish its mission through its national network of 200+ chapters, youth engagement, advocacy efforts, education programs and public events. For more information, please visit: https://unausa.org/.

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A. Summary: Combating Human Trafficking and Protecting the Rights of Women and Girls

(A1) With the goal of contributing primary-source input for the third Universal Periodic Review (UPR) of the U.S., UNA-Greater Detroit, UNA-Southern California Division, UNA-Kentucky, UNA-Greater Chicago, UNA-Whittier, and UNA-USA submit this joint stakeholder report with a focus on combating human trafficking and protecting the rights of women and girls. To compile this report, UNA chapters relied on grassroots consultation sessions with local advocates and organizations. The report addresses four issues:

- Combatting Human Trafficking;
- Ending Sexual Violence against Women and Girls;
- Ensuring Access to Women’s Health Services and Protecting the Rights of Women; and
- Protecting the Rights of Women Migrants and Asylum-Seekers

(A2) UNA-Chicago\(^1\) advocates for and engages people living in Chicagoland to understand and appreciate the United Nation's mission. Through public events, advocacy campaigns, and numerous engagement opportunities, UNA-Chicago seeks to connect global issues with local concerns. The chapter's signature initiatives include Chicago for CEDAW, Cook County for CEDAW, Engage-an-Embassy Fellowship Program, and the InterGenerational Model UN event. Visit www.unachicago.org for more background.

(A3) UNA-Detroit\(^2\) is a proud and thriving local chapter of UNA-USA. We have about 100 members from Southeastern Michigan, and we partner with local NGOs, particularly those serving marginalized communities, to increase the fluency and support of the work of the United Nations. We also serve as a platform for local communities to express concerns for human rights issues locally. Our chapter strongly supports youth, young adults, and education. We annually honor a young person working to uphold human rights and social justice with our Dr. Chrystal G. Tibbs Humanitarian Youth Award, named in honor of the late Dr. Chrystal G. Tibbs who was one of UNA-Detroit’s founding board members. In 2019, we partnered with organizations in the Detroit metro area to take a group of youth to the UN for UNA-USA’s Global Engagement Summit. Finally, we have the Robert Edward Lang Scholarship Program, named in honor of the late Robert Edward Lang, our UNA-Detroit Chapter Founder.

(A4) UNA-Kentucky\(^3\) is dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the UN for 46 years. There are five chapters in Kentucky —three community chapters and two college chapters —plus the Kentucky Division. We focus on education programs, advocacy efforts, youth engagement, and holding public events working with other organizations.

(A5) UNA-Southern California Division\(^4\) is composed of a dozen local grassroots chapters from Santa Barbara, the San Fernando Valley, San Diego, Beverly Hills, Hollywood, Pasadena and the Inland Empire, including a few college campus chapters. Chapters are engaged in holding meetings and events that focus on the Sustainable Development Goals and the importance of a strong U.S.-UN relationship. Particular attention has recently focused on the refugee situation and climate change, although gender equality, human rights, sex trafficking and other issues remain major areas of chapter attention as well.

(A6) UNA-Whittier\(^5\) is located in Southern California and has two functions: the first is to inform people in the Whittier area about the work of the United Nations and its associated agencies around the world, and the second is to bring the ideas and ideals of the UN family to life in our own community. Activities include lectures, discussions about UN activities and world affairs, and actions that ensure UN activities happen in our own communities.
(A7) The United Nations Association of the USA (UNA-USA), a program of the UN Foundation, is a membership organization dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations. For 70 years, UNA-USA has worked to accomplish its mission through its national network of chapters, youth engagement, advocacy efforts, education programs and public events. Independent from the U.S. government, UNA-USA and its sister organization, the Better World Campaign, represent the single largest network of advocates and supporters of the United Nations in the world. UNA-USA is proud to have had Eleanor Roosevelt, a leader in drafting the Universal Declaration of Human Rights (UDHR), among its earliest leaders and human rights champions. UNA-USA advances principled U.S. engagement on universal human rights within local communities and college campuses; the UN Human Rights Council; the broader UN human rights system; U.S. Department of State; and Congress. UNA-USA was also an official partner of the 2018 OHCHR “Stand Up for Human Rights” campaign.

B. Methodology

(B1) This joint stakeholder report was compiled through a national consultation process that took place among four organizations within UNA-USA’s nationwide network from April to August 2019. These consultative events featured over 60 local grassroots organizations. Participants were asked to share their firsthand experiences on the domestic U.S. human rights record pertaining to advancing the human rights of women and girls as well as combating human trafficking. Specifically, participants were asked to offer constructive ideas, suggestions, and recommendations. Participants included a diverse group of American and non-American college and high school students, community leaders, nonprofit leaders, private sector entrepreneurs, human rights advocates, human rights defenders, public sector retirees, and legal professionals. A rapporteur was present to record, consolidate, and synthesize output from each discussion. In drafting and compiling this report, UNA-USA has identified prominent trends, recommendations and other content that emerged from the four consultations. The findings, conclusions, and recommendations therein are submitted with the goal of constructively advancing human rights in the U.S.

(B2) UNA-Chicago conducted its community UPR consultation on April 30, 2019. UNA-Chicago focused particularly on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in order to garner attention at a national level to ratify CEDAW. Participants included American Association of University Women-Chicago; Cause the Effect-Chicago; Chicago Alliance Against Sexual Exploitation (CAASE); Chicago Council on Global Affairs; Chicago Foundation for Women; Chicago Women in Trades; Chicago Women Take Action; League of Women Voters of Illinois; National Council of Jewish Women-Chicago and North Shore Chapters; National Organization of Women (NOW)-Chicago Chapter; She Votes Illinois; Society of Women Engineers; UNA-Greater Chicago Chapter; United States National Committee for UN Women-Chicago Chapter; WE WILL: Women Empowering Women in Local Legislation; Women Employed; Women for Action; Women’s Global Education Project; Women’s March Chicago; and YWCA of Metropolitan Chicago.

(B3) UNA-Detroit conducted its community UPR consultation on July 10, 2019 on Gender-Based Violence and Implicit Bias in Detroit and beyond. Participating organizations included Mothering Justice; Ruth Ellis Center; The Center for Lesbian and Queer Women and Girls at Kofi House; Wayne County Community
College District – Diversity and Inclusion Program (WCCCD); Wayne County Sexual Assault, Counseling, and Therapy Services (WC SAFE); Sexual Assault Services for Holistic Healing (SASHA Center); Freedom House Detroit; LGBT Freedom and Asylum Network; Metro Detroit Chapter of the Coalition of Labor Union Women; Detroit Equity Action Lab – a program of the Damon J. Keith Center for Civil Rights; Wayne State Law School; and On My Detroit Everything – Spoken Word. The consultation also included observers from governmental organizations: Community Relations Service – U.S. Department of Justice and the FBI’s Detroit Office.

(B4) UNA-Southern California conducted its community UPR consultation on August 11, 2019 and framed the discussion in terms of closing the gaps on human trafficking in four main areas: prevention, protection, prosecution, and partnership. Participating organizations included Restoration Diversion Services (RDS); The Orange County Human Trafficking Task Force (OCHTTF); California Mental Health Connection; Rebirth Homes; Women's Transitional Living Center (WTLC); Hope Run Kenosha; Santa Barbara Coalition for Freedom, Fashion Institute of Design and Merchandising (FIDM); Behavioral Wellness Commission for Santa Barbara County; Vanguard University; University of California Fullerton (CSUF); University of California Los Angeles (UCLA); the National Association of Social Workers (NASW); Payden & Rygel – Investment management; LSL CPA’s & Advisors; Wedbush Securities, Inc.; UNA-Orange County; UNA-Whittier; UNA-Inland Empire, UNA-Southern California Division; UNA-Santa Barbara, Earthtribe TKH; and City Net SoCal.

(B5) UNA-Kentucky conducted its community UPR consultation on August 15, 2019. Participating organizations included the American Association of University Women Louisville Branch Public Policy Chair, Shared Hope International. Participants came from mainly Louisville and one from Elizabethtown, Kentucky.

(B6) UNA-Whittier conducted its community UPR consultation on May 17, 2019. The UPR consultation was organized by UNA-Whittier, the Gay-Straight Alliance club, and UNICEF club of Gabrielino High School located in San Gabriel. The consultation focused on human trafficking and its effects, primarily within the communities of the San Gabriel Valley. Participants included two facilitators and 15 high school students from 9th to 12th grade.

(B7) UNA-USA conducted a community UPR consultation during the 2019 Global Leadership Summit in Washington, DC on June 9, 2019. Participants from all 50 U.S. states as well as from a wide diversity of populations—including marginalized groups—attended the Global Leadership Summit. A representative from Girls Health Ed was present to brief participants prior to the consultation.

C. Legal Framework

(C1) Article 1 of the UDHR reads that “All human beings are born free and equal in dignity and rights.” This encompasses rights of women, including maternal rights, equal pay for equal work, the rights of immigrant women, and protection against human trafficking and sexual violence. As stated in Article 2, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as…sex…”

(C2) The treaty bodies associated with the core human rights treaties that the U.S. Senate has ratified—including the Convention Against Torture, International Covenant on Civil and Political Rights, and Convention on the Elimination of Racial Discrimination—have all affirmed that women’s rights are human rights. Reviews of the country’s human rights record by these treaty bodies have highlighted the need for
further improvement in the areas of human trafficking and women’s rights. Individual recommendations are referenced in the following sections.

(C3) Finally, the U.S. has also agreed to several initiatives regarding human trafficking and the rights of women following the 2015 UPR review process, many of which are detailed below.

D. Combating Human Trafficking

(D1) Human trafficking is a flagrant violation of one’s human rights and involves controlling a person through force or coercion to manipulate victims for forced labor and exploitation. Women and children are among the most affected by human trafficking. As former deputy UN High Commissioner for Human Rights Kyung-Wha Kang stated, “human trafficking violates the most fundamental of rights we all hold dear: the right to life, to equality, dignity, and security; the right to health; the right to freedom of movement, freedom from violence and abuse, the right to be recognized as a person before the law.”

(D2) International treaty bodies that the U.S. is a party to have called upon the U.S. to address the continual issue of human trafficking. The Human Rights Committee has urged the U.S. to, “continue its efforts to combat trafficking in persons, inter alia, by strengthening its preventive measures, increasing victim identification and systematically and vigorously investigating allegations of trafficking in persons, prosecuting and punishing those responsible and providing effective remedies to victims, including protection, rehabilitation and compensation” as well as, “review its laws and regulations to ensure full protection against forced labor for all categories of workers and ensure effective oversight of labor conditions in any temporary visa program. It should also reinforce its training activities and provide training to law enforcement and border and immigration officials, as well as to other relevant agencies, such as labor law enforcement agencies and child welfare agencies.”

Furthermore, the U.S. also supported a number of recommendations regarding human trafficking during the 2015 UPR process, particularly implementing a strategic action plan on human trafficking and strengthening services for trafficking survivors, increasing resources for nationwide anti-trafficking awareness programs, including law enforcement training, and finally establishing specialized services for women and children who have been trafficked. The U.S. has shown leadership in combating trafficking through the U.S. State Department’s Trafficking in Persons reporting process, as well as by the ratification of the UN Convention on Transnational Organized Crime Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons.

(D3) Within the U.S., improvements have been made in preventing human trafficking through raising awareness at the local and national level. This has taken the form of trainings in schools, workplaces, and law enforcement offices. Increased collaboration between local police departments and national level law enforcement has also led to a marked increase in prosecution of human trafficking cases: U.S. attorneys prosecuted 1,049 suspects for human trafficking offenses in 2015 which was a 44 percent increase from 2011. Furthermore, the number of human trafficking defendants sentenced annually to prison increased more than fivefold from 2000 to 2015, from 132 to 759. However, there is still much to be done to combat human trafficking within the U.S.: reported cases of human trafficking has increased dramatically and it is the fastest growing criminal industry in the world, growing 842 percent in the U.S. since 2007.

(D4) Despite U.S. efforts, awareness regarding human trafficking is still low among the general public. Awareness efforts must be particularly targeted toward parents, children, youth in foster care, immigrants,
and others who are particularly vulnerable. Training also remains to be fully implemented among law enforcement. For example, Kentucky has around 8,000 law enforcement officers, but only 1,400 have undertaken training specific to addressing human trafficking.\(^\text{16}\)

(D5) In order to increase prosecution levels targeted to traffickers, collaboration among grassroots organizations, law enforcement, and the government must be enhanced. These sectors must also work together to ensure survivors have access to support services, including housing and health support. These sectors must also work more collaboratively to address survivors who are foreign nationals. Achieving economic and legal status is critical for survivors. There also must be an expedited process connected to producing essential documentation for survivors and basic support services to integrate them into society.

(D6) Efforts must be enhanced targeting labor trafficking and educating employers and consumers about fair trade practices. In particular, employers must be held accountable for labor trafficking. There is a lack of knowledge within law enforcement in investigating or prosecuting labor trafficking and more training must be done in this area.

(D7) Recommendations for the U.S.:

- Increase prosecution of human trafficking cases by increasing federal penalties for traffickers;
- Encourage collaboration with local authorities to develop responses and strategies for tackling human trafficking including expansion of training efforts, survivor protection, and integration of grassroots organizations;
- Increase awareness regarding labor trafficking laws within immigrant communities and local law enforcement; and
- Pass a federal law banning child marriage.

E. Ending Sexual Violence against Women and Girls

(E1) Ending sexual violence against women and girls received attention from the Committee on the Elimination of Racial Discrimination (CERD) which expressed concern about the number of women, particularly the disproportionate number of women from racial and ethnic minorities, subjected to violence, including rape and sexual violence.\(^\text{17}\) Furthermore, in response to the 2015 UPR process, the U.S. agreed to address this issue and promote actions to eradicate sexual and domestic violence.\(^\text{18}\)

(E2) Sexual violence against women and girls remains a prevalent issue within American society. Today, one out of every six American women has been the victim of rape or attempted rape in her lifetime. Furthermore, young girls are at the highest risk of sexual violence: females ages 16-19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault.\(^\text{19}\) Despite these staggering figures, only 19 percent of sexual violence victims receive services which could include information, emotional support, help finding resources, and other assistance.\(^\text{20}\)

(E3) Women in the U.S. continue to face sexual violence in the workplace, at home, and from unknown assailants. Many also continue to be impeded by the statute of limitations on sexual assault and rape cases
even though many women are only able to come forward decades after their assault. Due to new abortion policies introduced by the Trump Administration, many rape victims are unable to terminate pregnancies after being raped. LGBTI people and women of color are also particularly vulnerable populations and have consistently less access to support and services for sexual violence.

(E4) Intimate partner violence also remains an issue within the U.S. Many women in the U.S. have been incarcerated as a result of killing their partners who perpetrated intimate partner violence against them. Even if the woman has long-standing evidence of reporting intimate partner abuse, many women are still receiving long prison sentences.

(E5) Recommendations for the U.S.:

- Increase funding and resources for organizations who provide services for sexual assault victims, particularly smaller, community-based organizations;\(^{21}\)

- Pass legislation ensuring comprehensive sex and consent education for children and young adults; and

- Provide resources to states and cities to substantially expedite the processing of sexual assault cases.

F. Ensuring Access to Women’s Health Services and Protecting the Rights of Women

(F1) The international treaty bodies that the U.S. is a party to have made various recommendations regarding women’s health. CERD has recommended that the U.S. eliminate racial disparities in the field of sexual and reproductive health and address the causes of disparities in maternal mortality rates.\(^{22}\) The UN Convention Against Torture (CAT) has also recommended that the U.S. revise the practice of shackling incarcerated pregnant women and respond to the needs of pregnant women within the prison system.\(^{23}\) The U.S. agreed to a number of recommendations from the 2015 UPR process including ensuring equal access to maternal health services, combating discriminatory practices against women in the labor market, ensuring women receive equal pay for equal work, and ratifying CEDAW and the Convention on the Rights of the Child.\(^{24}\)

(F2) The Affordable Care Act (ACA) passed during the Obama Administration expanded health coverage for women in the U.S. with more than 7 million working-age women gaining insurance and millions of other previously insured women receiving additional benefits.\(^{25}\) However, recent policies by the Trump Administration have repealed the ACA’s individual mandate penalty and removed the requirement of maternity care from healthcare plans, jeopardizing healthcare and health services for low-income women.

(F2) Women in the U.S. today have the highest rate of maternal mortality compared to 10 other high-income countries, and this rate has been steadily rising over the last several decades.\(^{26}\) More than one-third of women in the U.S. have reported skipping needed medical care because of costs, a far higher rate than other high-income countries. Furthermore, maternal mortality in the U.S. is three times higher among African
American mothers compared to white mothers. Even though it has been over half a century since the U.S. passed the Equal Pay Act, American women still face a significant gender wage gap.²⁷

(F4) Many low-income women not only experience a lack of adequate healthcare in general, but also face challenges regarding maternal care. Particularly, women need but cannot afford to pay for community doulas and birth workers which often leaves these community workers providing services pro-bono. Women in prison also lack proper maternal care and are shackled during childbirth and even during their transport to a hospital and delivery. Incarcerated women are also unable to produce and store breastmilk in their prison. Women of color and their babies face a higher risk of mortality during delivery. Finally, female genital mutilation continues to be practiced within the U.S., often in immigrant communities, and is not officially banned by the U.S.

(F5) Recommendations for the U.S.:

- Adopt mandated paid maternity leave and universal childcare;
- Reverse policies inhibiting comprehensive and universal access to voluntary sexual and reproductive health services, especially in emergency situations;
- Ensure implementation of a nationwide ban on female genital mutilation;
- Ensure equal pay for equal work, institute a nationwide ban on salary history’s request by employers, and support partial wage reimbursement through the FAMILY Act in order to close the gender pay gap;
- Sign and/or ratify the following laws and international treaties: Violence Against Women’s Act (VAWA); International Violence Against Women’s Act (IVAWA); Convention on the Rights of the Child; Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); and The Convention on the Rights of People Living with Disabilities;
- Ensure access to lactation rooms on federally owned property, including public and work spaces;
- Ensure that women understand their rights (and have access to) family leave, FMLA, and disability protection when adopting or birthing a baby;
- Invest in infrastructure for better technology in rural communities to overcome economic and technological disparities;
- Ensure rural communities, including schools, have access to healthcare practitioners and health partners; and
- Protect and expand Medicaid and other resources for underinsured women.
G. Protecting the Rights of Women Migrants and Asylum-Seekers

(G1) The international treaty bodies that the U.S. is a party to have made various recommendations regarding the rights of women migrants and asylum-seekers. The CAT has recommended that the U.S. should provide special consideration for women asylum-seekers with specific needs and prevent sexual assault in immigration detention in compliance with the Prison Rape Elimination Act. The Human Rights Committee has recommended that the U.S. facilitate access to healthcare, including reproductive health services, for undocumented immigrants. Finally, the U.S. has also agreed to a number of recommendations from the 2015 UPR process including addressing the disproportionate impact on immigrant women and ensuring detention centers for migrants and the treatment they receive meet basic conditions and universal human rights law.

(G2) There is critical concern regarding the situation on the southern border and the Trump Administration’s immigration policy of long-term detention for migrants and asylum-seekers along with family separations. These policies have a particularly adverse effect on women migrants and asylum-seekers who not only face a lack of health services in detention centers, but also experience higher rates of sexual assault.

(G3) There are numerous and grave concerns regarding the current conditions of ICE detention facilities. One consultation participant in Michigan stated, “I am horrified at the alleged rape and inhumane treatment of women and girls in ICE detention and the deplorable conditions of the detention centers.” Furthermore, transgender women of color are at a much higher risk of sexual assault within detention centers. Recently, two transgender women of color, Roxanna Hernandez from Honduras and Johana Medina Leon from El Salvador, have died in ICE custody while seeking protection in the U.S.

(G4) Recommendations for the U.S.:

- Ensure availability in health care as well as safe and sanitary conditions in detention centers with a particular focus on women’s health; and

- Ensure protections for those seeking their legal right to asylum, including for women and vulnerable populations.
Endnotes

1 The United Nations Association Chicago is a 501(c)(3) not-for-profit organization. For more information visit, https://unachicago.org/
2 The United Nations Association Greater Detroit is a 501(c)(3) not-for-profit organization. For more information visit, http://www.unadetroit.org/.
3 The United Nations Association Kentucky is a 501(c)(3) not-for-profit organization. For more information visit, https://unausa.org/chapter/kentucky/
4 The United Nations Association Southern California is a 501(c)(3) not-for-profit organization. For more information visit, https://una-socal.org/.
5 The United Nations Association Whittier is a 501(c)(3) not-for-profit organization. For more information visit, https://unausa.org/chapter/whittier/.
6 The United Nations Association of the United States of America (USA-USA) is a 501(c)(3) non-profit. For more information please visit www.unausa.org.
7 The order of the issues presented in this report does not imply a prioritization of observations or recommendations. Special thanks to Grace Anderson, the 2019 Stanford University Ford Fellow, for helping draft this report.
8 The UNA-USA 2019 Leadership Summit in Washington DC included six UPR breakout sessions. The summit included more than 500 participants from all fifty U.S. states. For more information visit https://unausa.org/events/leadership-summit/
10 Ibid.,
16 UNA-Kentucky UPR Consultation Session
18 2RP: Responses to Recommendations & Voluntary Pledges. UPR, 2015.
21 One organization noted that they do receive funding from the U.S. Office of Violence Against Women under VAWA, however the funds were overly restrictive and did not fit the needs of communities of color or smaller NGOs
24 2RP: Responses to Recommendations & Voluntary Pledges. UPR, 2015.
26 Ibid.,