



General Assembly

Distr.: General
4 April 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 5

Human rights bodies and mechanisms

Written statement* submitted by American Civil Liberties Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 March 2019]

* Issued as received, in the language(s) of submission only.

GE.19-05653(E)



* 1 9 0 5 6 5 3 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Oral Statement Delivered under Item 5: Human Rights Bodies and Mechanisms – General Debate

Mr. President:

The ACLU welcomes the opportunity to provide an update on United States of America disengagement and lack of cooperation with human rights bodies. We are deeply concerned that since its misguided withdrawal from the Council last June, the Trump administration has escalated its hostility towards human rights bodies including the apparent severing of relationships with independent experts appointed by this Council to monitor and report on human rights violations around the world.

First, since the election of President Trump, the U.S. government has not extended official invitations to any UN experts to visit the United States. The Special Rapporteur on the human rights of migrants has repeatedly asked to visit the United States to report on the serious deterioration of human rights of immigrants especially on the U.S.-Mexico border including family separations, expedited deportations, abusive immigration detention, tear gassing of immigrants and asylum seekers, and the undermining of their rights to seek protection and asylum.

Second, since last May the Trump administration has stopped responding to communications and official letters from UN special rapporteurs. According to our research 22 letters were sent by several UN experts since May 2018 raising concerns about various human rights violations; but none received a reply.

Third, as part of a pattern to weaken human rights bodies, the U.S. government is considering defunding the Inter-American Commission on Human Rights – a leading independent human rights body in the Americas – due to pressure from Republican senators who falsely claimed that the Commission has broken U.S. law for engaging in lobbying to promote abortion rights in the region.

Fourth, the United States has not submitted its periodic reports to two key treaty bodies that monitor compliance with human rights conventions: the UN Committee on the Elimination of Racial Discrimination (report was due November 2017) and to the UN Committee Against Torture (report was due November 2018). The United States has only ratified three of the 10 core human rights treaties.

Finally, last September President Trump's National Security Advisor John Bolton threatened International Criminal Court (ICC) judges and prosecutors with U.S. criminal prosecution as well as a travel ban and financial sanctions if the court opens criminal investigations into U.S. involvement with war crimes and crimes against humanity in Afghanistan during the Bush administration. A similar threat was made towards any "company or state that assists an ICC investigation of Americans."

These issues raise serious concerns regarding the United States commitment to human rights and the international rule of law. They represent a dangerous attack on multilateral institutions and put the US squarely in the company of some of the worst human rights abusers around the world. They provide encouragement to other nations with poor human rights records to ignore and undermine the mandates and essential work of international human rights mechanisms and judicial bodies.

We call on the United States to change course and take concrete actions to resume full and meaningful cooperation with all human rights bodies especially the U.N.'s special procedures including facilitating official visits to the country. We also call on members of the United Nations especially close U.S. allies to speak up and reject this unprecedented attack on the very global human rights system which the United States and other countries created after World War II to protect and promote universal rights and combat impunity. No country, not even the United States, should be exempt or immune from international human rights scrutiny.