



December 22, 2010

Esther Brimmer
Assistant Secretary, International Organization Affairs

Harold Hongju Koh
Legal Adviser, Office of the Legal Advisor

Michael H. Posner
Assistant Secretary, Bureau of Democracy, Human Rights and Labor

United States Department of State
2201 C Street NW
Washington, DC 20520

Re: Proposed Actions Following the U.S. Universal Periodic Review

Dear Dr. Brimmer, Mr. Koh and Mr. Posner:

We are writing on behalf of the undersigned organizations in an effort to move forward on recommendations made to advance economic and social rights concerns raised by many member states and civil society delegates during the United States' Universal Periodic Review (US-UPR). This letter is a follow-up to an earlier one sent on November 9, 2010. We acknowledge that significant progress has been made by the Administration to reengage the U.S. government with the United Nations and its human rights mechanisms. However, we believe that unless the United States takes clear and concrete steps that demonstrate its commitment to the full range of universally accepted human rights, including economic and social rights, a key opportunity will be missed.

We look forward to the U.S. government's support of the recommendations made by the UN member states and, in particular, hope that the government will indicate immediate support for the recommendations concerning enjoyment of economic and social rights. Accepting recommendations focused on economic and social rights is particularly urgent as we work to recover from an economic crisis that was a result of economic and financial policies that privileged profit over the human rights of everyday people in the United States. These policies have also contributed to growing inequality in the United States as documented in paragraphs 31, 37, 43 and 44 of the official government report for the UPR.

Inequality in the United States will not be addressed unless specific attention is paid to the most vulnerable people in this country. The Committee on the Elimination of Racial Discrimination made a similar observation in their Concluding Observations to the United States in March 2008. We recognize that the Administration supports many measures that will address these inequalities, including the Paycheck Fairness Act—which was unfortunately blocked in the Senate recently—and paid family leave, and has presided over passage of the Lilly Ledbetter Act and the creation of the first inter-agency Federal Plan to End Homelessness. Nevertheless, we are concerned that a failure to recognize economic and social rights and to promote key programs and macroeconomic policies that address economic security for all will only exacerbate inequalities that have grown over the past year. We are therefore proposing that the U.S. government indicate its full support for the recommendations made by UN member states and U.S. civil society delegates that are referenced below and strongly recommend that additional commitments also listed below be included in the adoption of the outcome document.

Recommendations to advance economic and social rights made during the UPR

Macroeconomic and Financial Policy

- Accept recommendations from governments on social and economic rights (see enclosed list), and act to implement them by channeling resources towards protecting human rights, not shielding wealth. Fiscal policy should play a direct role in terms of investing in education, health care and other social spending and infrastructure to support sustainable and full employment gains in the long run and, in the short run, running counter-cyclical policies to prevent job losses when the economy weakens;
- In line with recommendations by various member states, we recommend that the U.S. government expand plans, including macroeconomic initiatives, to address the ongoing crisis of unemployment. The U.S. government should extend unemployment insurance, disability benefits, and support to low-income households to help maintain an adequate standard of living;
- As civil society, we also recommend that the U.S. government pledge to fulfill its obligation to protect individual rights by ensuring that third-party behavior, such as that of financial institutions, does not compromise basic rights including the freedom from want, and guarantee a transparent regulatory reform process;
- We recommend that the Administration pledge to improve the transparency, public participation, independent oversight and accountability of the U.S. central bank—the Federal Reserve System,—especially with regard to its measures to bail out financial institutions;

- In addition, we recommend that the Administration take concrete steps to conduct a national audit of fiscal policy practices of state and local governments to determine which policy decisions (e.g., tax cuts) have reduced available resources and therefore made spending so sensitive to economic cycles and, where necessary, reform tax systems to minimize similar cuts during future downturns.

Decent Work

- Accept the recommendations made including by the governments of Norway, Brazil, Bangladesh, Bolivia, and Finland, to advance economic and social rights and in particular decent work for all with specific attention paid to groups over represented in unemployment and poverty, and take additional steps to make job creation a top priority for the Administration ensuring that all new jobs created are quality jobs that are open and accessible to women and people of color;
- Accept recommendations to promote gender and racial equality at work including through the adoption of a mandatory paid maternity leave policy, ratification of ILO Conventions No. 100 and No. 111, and other measures such as providing child care work supports, and actively supporting paid sick leave and family leave insurance policies;
- Accept recommendations to ensure that migrant workers including undocumented migrant workers and excluded workers such as agricultural and domestic workers enjoy the full protection of labor laws, and take measures to ensure that they obtain effective protection and remedies in case of violation of their human rights by their employer;
- We recommend that the U.S. government take concrete measures towards adopting employment regulations that guarantee a living wage and dignified, safe workplace conditions for all workers, and towards placing human rights conditions on subsidies for private economic development;
- We recommend that the Administration pledge support for ratification of the ILO Convention on Decent Work for Domestic Workers and passage of national legislation to implement it, following the example of New York State which passed a Domestic Workers Bills of Rights;
- In addition, we recommend that the Administration pledge to improve working conditions for home care workers by extending basic labor protections to this workforce; it is projected to be the fastest growing workforce in the United States over the next decade yet this predominantly female workforce continue to be marginalized, hindering the quality of care for millions of people living with chronic conditions and disabilities.

Housing

- Accept the recommendations made by the governments of Morocco, Norway, Ghana, and Bolivia, and increase efforts to meet the adequate affordable housing needs of all Americans, particularly those who have been structurally disadvantaged, such as women and people of color;
- As civil society, we also recommend that the U.S. government end privatization and demolition of public housing.

Health

- Accept recommendations to reduce racial disparities in health, and commit to reducing disparities in reproductive and sexual health, treating the Patient Protection and Affordable Care Act as a starting point for increased access to quality healthcare rather than as the solution;
- Accept recommendations from Brazil to reconsider restrictions on undocumented migrants' access to publicly supported healthcare, as one of other steps to guaranteeing access to comprehensive, equal high-quality care for everyone, regardless of payment, including by establishing a publicly financed and publicly administered national health plan.

Education

- Accept recommendations made by multiple countries to address racial discrimination and unequal opportunity in education and specifically adopt the March 2008 recommendations of the Committee on the Elimination of All Forms of Racial Discrimination to promote voluntary school integration, reduce the persistent achievement gap between white students and students of color, and eliminate racially discriminatory school discipline practices;
- Civil society also recommends stopping the trend toward further privatization of schools where it exacerbates stratification and segregation, and ending school push-out by providing positive learning environments for all children.

Improved Human Rights Accountability Mechanisms

- Accept the recommendations of the twenty-four governments that recommended ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR); take strong steps to secure the necessary votes for ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in furtherance of the recommendations of about thirty governments during the UPR; ratify the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD); and sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;



- Accept recommendations to promote the establishment of a domestic human right accountability regime, specifically a National Human Rights Institution in accordance with the Paris Principles, and also recommended by the Committee on the Elimination of Racial Discrimination in March 2008 and several governments during the UPR, and to adopt a national plan of action to address racial discrimination, including in the enjoyment of economic and social rights.

We look forward to working with you on key recommendations including those designated for further consideration between now and the adoption by the Council of the outcome in March 2011. A copy of this letter will also be sent to the Permanent Representative of the United States to the UN in Geneva.

We would like to request a meeting with you, the Department of Labor, the Equal Employment Opportunity Commission and other appropriate agencies to follow up on these recommendations and proposed commitments and will follow up with you to schedule a meeting at your earliest availability. In the meantime, if you have any questions, please do not hesitate to contact Ejim Dike at 646-602-5628 or edike@urbanjustice.org. We thank you and wish you a happy holiday season. We look forward to meeting with you in the New Year.

Sincerely,

Institutional Signatures

Linda Meric, Executive Director
9to5 National Association of Working Women

Ken Neubeck, Executive Director
Amigos Multicultural Services Center, Eugene, Oregon

Rev. CJ Hawking, Executive Director
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Theresa Harris, Executive Director
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Other Institutional Signatures

Allard K. Lowenstein International Human Rights Clinic, Yale Law School

The US Human Rights Network Steering Committee (This signature reflects the collective endorsement of the Steering Committee, and does not necessarily represent the endorsement of the organizations whose staff comprise the Steering Committee)

Individual Signatures

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cc: Ambassador Betty E. King
U.S. Permanent Representative to the United Nations in Geneva

Hilda L. Solis
Secretary of the Department of Labor

Jacqueline A. Berrien
Chair of the U.S. Equal Employment Opportunity Commission

Shaun Donovan
Secretary of the Department of Housing and Urban Development

Kathleen Sebelius
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