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Summary record of the 4050th meeting

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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Fifth periodic report of the United States of America (CCPR/C/USA/5;
CCPR/C/USA/QPR/5)*

In accordance with rule 108 of the Committee's rules of procedure, Mr. Helfer withdrew during the consideration of the fifth periodic report of the United States of America.

1. *At the invitation of the Chair, the delegation of the United States of America joined the meeting.*
2. **Ms. Taylor** (United States of America), introducing her country's fifth periodic report (CCPR/C/USA/5), said that the current Administration considered that meeting the standards set by the Covenant was more than a mere obligation; it was a moral imperative. Her Government was deeply committed to upholding Covenant rights, as demonstrated by its continued support for the LGBTIQ+ community in the face of mounting challenges and its efforts to foster strong ties with the Tribal Nations.
3. The Government had made significant investments in maternal health and had recently launched a blueprint to address the maternal health crisis. Many leaders at the state level continued to develop policies to address maternal mortality and protect women's access to reproductive health care.
4. All government agencies had a responsibility to address racial inequity. The Government was working to improve the lives of marginalized racial, ethnic and Indigenous communities across the country. It had taken steps to acknowledge and tackle the scourge of white supremacy and systemic racism, discrimination, xenophobia and intolerance.
5. Efforts were being made to ensure that prison sentencing and conditions were consistent with international standards. She had been proud to invite the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to visit the Guantanamo Bay detention facility. Although the Government might not have agreed with all the conclusions in the Special Rapporteur's report, it recognized that such visits helped it to make progress.
6. As much as her Government was committed to abiding by its obligations under the Covenant, it was but one stakeholder; wide-ranging consultations with civil society were an instrumental part of what was truly a society-wide effort to uphold human rights. Her Government took great pride in the progress it had made towards fulfilling its obligations under the Covenant, but it also acknowledged that there remained room for improvement.
7. **A representative of the United States of America** said that the Government had sought to involve state and local officials and civil society organizations in the preparations for its dialogue with the Committee. It had held several rounds of consultations with civil society organizations, each of which had been attended by almost 100 participants. Approximately 120 reports had been received from such organizations. He wished to thank the civil society representatives who had joined the delegation for consultations the previous day; their work was crucial for strengthening the Government's efforts to advance and protect human rights.
8. On his first day in office, President Biden had called for government-wide efforts to tackle systemic racism and strengthen support for underserved communities. Steps were being taken, for example, to combat hate-motivated violence and address persistent inequalities in areas such as the criminal justice system, access to health care and housing.
9. The President had established the first-ever Gender Policy Council to lead the Government's efforts to advance gender equity and equality. He had also created the first-ever White House Office of Gun Violence Prevention, which sought to reduce gun violence and support the implementation of key laws, such as the Bipartisan Safer Communities Act.

10. The Government had set itself the target of ensuring that at least 40 per cent of the benefits afforded by green investment went to undeserved communities that had been hit the hardest by pollution and the devastating impact of the climate crisis.

11. Although the United States continued to face assaults upon its fundamental values and citizens' rights, it would deal with those attacks head-on and remained committed to advancing civil and political rights across the world.

12. **Mr. Soh** said that he would like to know what measures the State party had taken since the previous review to ensure that law enforcement officials responded appropriately to domestic violence, that cases were effectively investigated, that the perpetrators were prosecuted and punished and that victims were provided with remedies and the necessary support.

13. He would appreciate an update on whether 17-year-olds continued to be excluded from the juvenile justice system in certain states and whether juveniles could still be sentenced to life imprisonment without parole. He wished to know what steps had been taken to ensure that states had the support necessary for the swift implementation of the Juvenile Justice Reform Act and to make parole available and more accessible to all individuals sentenced to life imprisonment.

14. He wondered whether the State party was considering ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Were there plans to ratify the two Optional Protocols to the Covenant?

15. It would be useful to learn whether the State party had made progress towards creating a national human rights institution. Had consideration been given to the possibility of setting up a presidential commission to examine that issue? He would also welcome an update on the status of the Equal Rights Amendment.

16. The delegation might provide details of any progress made towards passing the proposed Federal Death Penalty Prohibition Act and any measures taken to encourage states to abolish the death penalty. He would like to know whether steps had been taken to move from the temporary moratorium on federal executions to a more permanent de jure moratorium.

17. He would appreciate the delegation's comments on concerns surrounding the use of lethal injections, which had arisen due to their potential to cause extreme pain, the high rate of botched executions, the experimental nature of such injections and the lack of transparency in lethal injection protocols. He wished to hear about any measures, taken or envisaged, to review execution methods. It would be useful to know whether information on the chemical composition of lethal injections was available to individuals on death row and the wider public.

18. Numerous reports indicated that racial and ethnic minority groups were disproportionately represented among prisoners on death row. He would be grateful, therefore, for details on any measures, taken or envisaged, to ensure that the death penalty was not applied in a discriminatory manner. Information on the number of individuals who had been found to have been wrongfully convicted of capital offences since the previous review would be appreciated. He wished to know what measures had been taken to ensure that such individuals received timely compensation and had access to services that were key for their successful reintegration into society.

19. **Ms. Kran** said that she wished to know what steps the State party would take to ensure that the Covenant was implemented as the supreme law of the land at the federal, state, local and territorial levels. She wondered how the State party planned to address breaches of the Covenant by individual states and what steps it would take to improve the application of national laws at the federal, state and local levels to ensure fulfilment of its Covenant obligations.

20. She would be interested to hear about any references to the Covenant in judicial decisions issued by federal and state courts and about the training provided to judges and law enforcement officials to improve the application of the Covenant.

21. She would like to know what steps the State party was taking to address concerns that it was evading its Covenant responsibilities by moving detainees outside of its territory, including to its ships and aircraft and sites under its control in foreign countries. How did the State party protect the rights of detainees in its overseas facilities? It would be helpful to know when the State party planned to recognize the applicability of the Covenant to persons outside of its territory but subject to its jurisdiction.

22. She would be grateful for information on the number of deaths and injuries, including among civilians, caused by the State party's use of lethal force outside of recognized armed conflict zones since 2014. She wished to know what steps would be taken to put a stop to illegal lethal strikes and to develop and publish a policy on targeted killings that was compliant with the Covenant. She wished to know what was being done to ensure that lethal strikes conducted by the Central Intelligence Agency were in full compliance with the State party's Covenant obligations and what steps the Agency had taken to investigate reports of unlawful drone attacks or attacks that had harmed civilians.

23. The delegation might explain what was being done to ensure that ex gratia payments were made to civilians who had been injured or families of individuals who had been killed as a result of the State party's military activities outside of recognized conflict zones. What mechanisms were in place to ensure accountability and provide redress in such situations?

24. She wished to know what steps the State party would take to ensure that human rights violations committed under the Rendition, Detention and Interrogation Programme were thoroughly investigated and that the findings of the investigations were made public. It would be useful to hear how the State party planned to ensure that individuals who had committed or conspired to commit rights violations would be held accountable and punished.

25. **Mr. Yigezu** said that he would like to hear about any progress made by the State party in reviewing its reservations to the Covenant with a view to their withdrawal. He wished to know why the State party did not intend to categorically withdraw its reservation to article 6 (5).

26. He would appreciate clarification of the State party's plans for preventing and reducing gun violence. He wondered whether the State party intended, for instance, to enact laws to block access to firearms for individuals who might misuse them, maintain and disclose records of all background checks, ban access to assault weapons and high-capacity magazines, adopt or strengthen laws to prevent perpetrators of domestic violence from having access to guns, repeal laws providing immunity to gun manufacturers and take steps to implement evidence-based violence reduction measures.

27. Given the frequency of often deadly police violence, he wished to know whether the State party planned to amend its legislation in order to move from the current standard of "objective reasonableness" to a more restricted use of force in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials of the United Nations. It would also be useful to learn whether the State party intended to abandon the doctrine of qualified immunity and establish effective mechanisms to ensure accountability and compensation for victims of the excessive use of force. He would appreciate hearing about any steps the State party was taking or planned to take to ban racial profiling at the federal, state and local levels.

28. He would welcome clarification of the State party's position regarding the obligation under article 6 of the Covenant to address general conditions that might give rise to direct threats to life, particularly in the light of the reported discrimination and inequalities faced by communities of colour and Indigenous Peoples in terms of access to clean, safe and affordable water. It would be helpful to learn of any steps taken to address those inequalities and to ensure that the authorities were held accountable for the drinking water crisis in cities in which persons of African descent made up a large percentage of the population. The delegation might also explain what steps the State party had taken or planned to take to ensure the sustainable use of resources in order to address, among other problems, the

disproportionate impact of climate change on low-income communities, Indigenous and Peoples and persons of African descent. Did the State party intend to employ a precautionary approach to protecting its citizens from the impact of climate change and natural disasters?

29. **Ms. Donders** said that she wished to learn what the State party was doing to combat systemic racism in the criminal justice system and address its root causes and whether it had set any targets for the elimination of racial bias and profiling in law enforcement. She would be interested to hear the delegation's comments on the so-called "school-to-prison pipeline" and wondered whether the State party was taking any measures to reduce police presence in schools.

30. The Committee would be grateful for information about any measures being taken to reduce recourse to pretrial detention and explore alternative measures. She wished to know what steps the State party was taking to combat the overrepresentation of racial and ethnic minorities among pretrial detainees and to ensure that pretrial risk assessments were fair and free from racial, ethnic and gender bias. Were there any plans to review the cash bail system in the light of the fact that a disproportionate share of low-income persons were held in pretrial detention? She was keen to learn what measures the State party had taken in an effort to ensure proportionality and equity in sentencing and to prevent inequitable prison labour practices. She also wondered whether the disproportionately high number of persons with mental health conditions or psychosocial disabilities in the prison population were afforded appropriate medical and psychological care.

31. The Committee welcomed the revocation of the discriminatory ban on entry to the United States established by Presidential Proclamation 9645, but family separation in the context of migration appeared to remain a problem. It would therefore be useful to know what steps the State party was taking to remedy infringements on the rights to family life and non-discrimination of persons whose applications for immigration visas had been denied. She also wished to know how the State party was dealing with the backlog of pending visa applications and whether it planned to reduce procedural barriers to reapplication.

32. The delegation might kindly explain why the Senate had not yet passed the Equality Act and if the adoption of a comprehensive law expressly prohibiting discrimination based on sexual orientation and gender identity was expected in the foreseeable future. She wondered how the federal government could make sure that legislation at the state level did not restrict the rights of lesbian, gay, bisexual and transgender persons and was consistent with the Covenant. It would be helpful to learn about measures taken to combat misinformation and bias about sexual orientation and gender identity, address discrimination against lesbian, gay, bisexual and transgender persons in access to housing and health care, investigate cases of violence against such persons and prevent discrimination against transgender pupils at school. She would also welcome information on steps taken to tackle discrimination based on sexual orientation and gender identity in the armed forces and afford protection and care to transgender persons in prison.

33. **Ms. Šurlan** said that she would be grateful for additional information on measures taken by the State party to prevent the criminalization of everyday activities associated with homelessness. Were steps being taken to promote the enactment of laws along the lines of the Right to Rest Act or the Homeless Bill of Rights in all states? It would be helpful to know how the State party obtained current statistics on homeless mortality, disaggregated by state. She wondered what measures were being adopted to guarantee access to shelter, food, water and health care to homeless persons in order to prevent premature deaths among the homeless population.

34. She wished to know how the State party made sure that colleges and universities worked to prevent sexual violence and to provide victims of such violence with protection and support. The Committee welcomed the issuance of Executive Order 14103, under which major changes had been made in the way that sexual assault cases were to be handled in the military justice system, and would appreciate information on any other measures taken to address sexual violence, eradicate the culture of misogyny and provide a safe working environment for women in the armed forces. She wondered if victims of sexual assault and related offences were encouraged to report those crimes and what measures were in place to protect them from retaliation.

35. Given the setback in terms of women’s sexual and reproductive health and rights represented by the criminalization of abortion and associated restrictions in a growing number of states, it would be useful to know how the State party intended to prevent further bans and restrictions on access to safe, legal abortions. The delegation might kindly provide information on its specific strategies for reducing maternal mortality and morbidity associated with unsafe abortions and the measures taken to improve maternity care, especially for low-income and minority women. Did the State party intend to facilitate the practice of traditional midwifery and remove obstructive licensing requirements?

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

36. **A representative of the United States of America** said that, despite the Government’s firm commitment to reducing ethnic and racial disparities in the criminal justice system, such disparities persisted. Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government recognized the urgent need for an ambitious agenda that matched the scale of the challenge. In 2022, the Attorney General had issued a memorandum requiring prosecutors to conduct an individualized assessment of the extent to which particular charges fit the specific circumstances of a case and to determine whether they were consistent with the purposes of the Federal Criminal Code and were proportional to the seriousness of the defendant’s conduct. The new policy restricted the use of mandatory minimum sentences, including for drug offences, and supported the elimination of the current crack-to-powder sentencing disparity. The Fair Sentencing Act of 2010, which had been made retroactively applicable to persons who had been sentenced for crack cocaine offences, had helped address racial disparities, as 91 per cent of the defendants benefiting from reduced sentences under the Act were African Americans.

37. The implementation of the First Step Act had helped to make a significant reduction in the federal prison population. A re-entry programme for former federal prisoners and a risk and needs assessment system under which inmates were placed in rehabilitative programmes to reduce the risk of recidivism had also proved beneficial. Access to sentence reductions for prisoners serving unusually long sentences and the use of compassionate releases on medical grounds had increased. Many states were working to reduce their juvenile prison populations, and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice had a community-based alternatives initiative for supporting the closure of large youth detention facilities at the state level. Progress had also been made with regard to leave without parole for young offenders.

38. **A representative of the United States of America** said that specific guidelines on non-discrimination in education had been issued to address the “school-to-prison pipeline”. Those guidance documents were designed to serve as practical tools to help schools fulfil their obligations. The guidelines also addressed the issue of a law enforcement presence at schools. As an example of how they were being used, a recently concluded compliance review in a North Carolina school district had revealed significant race-based disparities in the way in which pupils were disciplined. The local education authorities had welcomed the analysis as a valuable tool for improving the situation.

39. **A representative of the United States of America** said that, in recognition of the challenges posed by the country’s vast law enforcement landscape, a multi-pronged strategy was employed to address unconstitutional policing practices. Cases involving excessive use of force by law enforcement officers were brought to prosecution, and police officers who failed to fulfil their constitutional obligations were held accountable. The police officers implicated in the killing of George Floyd in Minneapolis, Minnesota, had been prosecuted and convicted; the officers responsible for the death of Breonna Taylor in Louisville, Kentucky, had been indicted; and investigations had been opened into the killing of Tyre Nichols in Memphis, Tennessee, by officers of the Memphis Police Department.

40. Civil litigation authorities in the Department of Justice were also working to combat the excessive use of force. One of their tools for doing so was pattern-or-practice investigations into rights violations by law enforcement agencies. The Department of Justice was currently enforcing 16 settlement or consent decrees in law enforcement agencies across the country whose staff had violated constitutionally mandated rights, engaged in excessive

use of force or otherwise failed to comply with their legal obligations. The Department worked with law enforcement agencies to improve training and enhance accountability while ensuring that officers who used excessive force were disciplined and retrained. Consent decrees implemented in Seattle, Albuquerque and Baltimore, for example, had led to a significant reduction in the use of force in those jurisdictions. The practices of the Minneapolis and Louisville police departments were also under investigation.

41. The Department of Justice had stepped up training to familiarize law enforcement officers with standards for constitutional policing. A national accreditation standard for state and local law enforcement agencies had been developed pursuant to Executive Order 14074 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety in order to promote best practices in the use of force, hiring and performance evaluations and to ensure the appropriate use of body cameras and the submission of crime data to the Federal Bureau of Investigation. Training and other resources had been delivered to state attorney general's offices, individual prosecutors and other criminal justice personnel to help them adjust their practices accordingly. Also under Executive Order 14074, the Department of Justice had recently revised and updated its racial profiling guidance and was working with law enforcement agencies at the federal, state and local levels to ensure that they complied with that guidance and that they did not engage in unconstitutional policing of any kind.

42. **A representative of the United States of America** said that his city, Montgomery, Alabama, was no stranger to police violence, as illustrated by the death of Greg Gunn at the hands of the police in 2016, but the killing of George Floyd had sparked local innovation and efforts to think differently about keeping residents safe. In early 2021, the National League of Cities had set up a task force entitled "Reimagining Public Safety" to provide municipal leaders with actionable steps in areas such as alternative and innovative responses, violence prevention, jail use reduction, law enforcement accountability and the role of credible messengers and community engagement. The task force had been asked to set out a public safety agenda for American communities and identify key areas for improvement and for amplifying the voices of local leaders in justice reform and public safety. In late 2021, the task force had released two reports to inform local public safety action. Mayors across the United States were committed to using innovative tools, including civilian review boards and bias training, to foster trust in the police force.

43. **A representative of the United States of America** said that, as the Attorney General of the State of Nevada, he was well placed to provide insight into the issue of racial disparities in the criminal justice system at the state level. Although black people represented only 9 per cent of the overall population of Nevada, they accounted for approximately 30 per cent of the prison population. Native Americans and Indigenous persons were the only other population group that was overrepresented in the state's prisons. Black students also made up the overwhelming majority of the students cited by the school police in the state's largest school district. In view of those challenges, new legislation had been passed under which over \$543 million of state funds would be invested in strengthening behavioural and mental health-care services and providing law enforcement personnel with more effective tools to deal with mental health crises.

44. **A representative of the United States of America** said that the Department of Homeland Security enforced strict standards of conduct for all employees, investigated deaths resulting from the use of force and followed up on complaints relating to violations of civil rights and liberties. Since 2021, the Department and Customs and Border Protection had both published internal documents on the use of force. Under its policy on the use of force, employees of the Department of Homeland Security had a duty to report all instances of the inappropriate use of force, and the Office of Inspector General within the Department had the power to investigate such cases, potentially leading to criminal prosecution and a range of sanctions. As part of its commitment to transparency and accountability, information about all instances of the use of force by Customs and Border Protection was made publicly available on its website.

45. **A representative of the United States of America** said that discrimination on the basis of sexual orientation and gender identity in health programmes or activities had been prohibited under section 1557 of the Affordable Care Act since 2021. In July 2023, the

Department of Health and Human Services had proposed a new rule to affirm civil rights and equal opportunities for all people nationwide in the programmes and services that it funded, including support to refugees, assistance to homeless persons, substance abuse treatment and prevention, community mental health services, and maternal and child health services.

46. **A representative of the United States of America** said that the nearly 600 employees of the Office for Civil Rights of the Department of Education worked to ensure that all students, including LGBTQI+ persons, were protected from discrimination. Earlier in 2023, the Office had investigated the situation of a non-binary student in Wisconsin who had been ordered to attend classes remotely because the teacher had been unable to guarantee the student's protection from harassment by other children. The Office had ruled that the school should provide compensatory services, education and therapy for the student and amend its policies and practices to ensure that it would no longer restrict any student's access to its premises on the basis of a risk of discrimination. The Office had a dedicated web page providing information for schools and students about the rights of LGBTQI+ persons in schools.

47. **A representative of the United States of America** said that, in 2022, the Department of Justice had sent a letter to all state attorneys general reminding them of their federal, constitutional and statutory duty to protect young transgender persons against discrimination, including when they sought gender-affirming treatment. The Department had filed lawsuits against five states regarding legislation that either criminalized or restricted access to such treatment for transgender minors. It had also taken action aimed at ensuring that transgender students could use restrooms and participate in sports teams that were consistent with their gender identity at school, and it had supported the rights of transgender persons deprived of their liberty to be held in facilities that were consistent with their gender identity.

48. **A representative of the United States of America** said that the Transgender Executive Council of the Federal Bureau of Prisons met regularly to discuss the best placement options for new transgender inmates and the potential need to transfer existing transgender inmates to new facilities. The Women and Special Populations Branch of the Bureau was also involved in ensuring that transgender inmates received appropriate treatment. Personnel from relevant prison departments helped to evaluate the general requirements of transgender inmates, while their clinical needs were addressed by the Health Services Division.

49. **A representative of the United States of America** said that, since February 2021, discrimination on grounds of sexual orientation or gender identity had been prohibited under the Fair Housing Act. In that regard, the Department of Housing and Urban Development recognized that a disproportionately high number of young LGBTQI+ persons were homeless and that housing discrimination, particularly against young transgender persons, was a significant cause of their homelessness. The Department had therefore created an LGBTQI+ toolkit for shelter providers and members of the public which set out the rights of that population group and the responsibilities of service providers. Since the amendment to the Fair Housing Act, the Department had addressed a growing number of complaints concerning housing discrimination against LGBTQI+ persons. At the national level, the current Administration had launched a number of housing programmes to deal with homelessness.

50. **A representative of the United States of America** said that the efforts of mayors around the country to deal with homelessness were hampered by the complexities of the federal bureaucracy and attempts to pass state legislation effectively criminalizing homelessness. However, mayors were increasingly trying to work with housing authorities and private partners to develop affordable housing initiatives, and they were also taking steps to centralize housing services and invest in innovative solutions such as what were known as "tiny houses".

51. **A representative of the United States of America** said that eliminating sexual and gender-based violence at colleges and universities was a major priority for the Biden-Harris Administration. The Department of Education was carrying out hundreds of investigations into such incidents. In 2022, the Department had ruled that the tuition paid by a student should be reimbursed by a medical school in Puerto Rico that had failed to investigate her claims that she had been raped. The Safer Schools and Campuses Best Practices Clearinghouse

offered extensive training and technical assistance for schools, school districts and members of the public on preventing and dealing with sexual violence and harassment.

52. **A representative of the United States of America** said that, pursuant to the reauthorization of the Violence Against Women Act in 2022, statutory enforcement authorities had been provided with technical assistance and funding for combating violence against women, and relevant training was made available to stakeholders throughout the country.

53. **A representative of the United States of America** said that one of the key strategic goals of the Department of Defense was to put a stop to sexual assault and sexual harassment in the military. It had taken a series of measures designed to produce the cultural and organizational changes required to strengthen accountability, step up prevention efforts and improve the culture, as well as to strengthen victim care and support. On 27 December 2023, the power to decide whether to prosecute alleged cases of sexual assault, domestic violence and certain other serious offences in the military would pass from military commanders to independent military prosecutors. Measures had also been taken to hire, train and empower the specialized violence prevention workforce and to professionalize and strengthen the sexual assault response workforce.

54. **A representative of the United States of America** said that the Biden-Harris Administration was firmly committed to protecting and advancing sexual and reproductive health and rights. The Supreme Court decision that there was no constitutional right to abortion in the United States of America had had an immediate and devastating impact on women's health and rights. The Government would continue to call on Congress to pass a law restoring protection for abortion as a fundamental right. Since that Supreme Court decision had been handed down, the President had issued three executive orders establishing a series of actions designed to protect access to reproductive health-care services, including abortion.

55. **A representative of the United States of America** said that the Office for Civil Rights of the Department of Health and Human Services had issued a proposed rule which, if finalized, would strengthen privacy protections for individuals, health-care providers and other persons who sought, provided or facilitated legal reproductive health-care services, including abortion. Under the rule, doctors and other health-care providers would be prohibited from disclosing certain protected health information, including, under certain circumstances, information related to reproductive health care. The Department had also issued a guide for consumers on the steps they could take to protect their health-related data on personal devices. The guide also advised people to be cautious when using mobile health applications that were generally not protected under existing privacy laws.

56. The Administration was committed to cutting the country's high maternal mortality and morbidity rates, reducing disparities in maternal health outcomes and improving the overall pregnancy, birth and post-partum experience. In 2022, the White House Blueprint for Addressing the Maternal Health Crisis had been published. A number of meaningful steps had since been taken towards achieving the five strategic goals established in that document, which included increasing access to and coverage of comprehensive high-quality maternal health services, advancing data collection, standardization, transparency, research and analysis, and strengthening economic and social support services provided before, during and after pregnancy.

57. **A representative of the United States of America** said that the Department of Justice had taken a number of steps, including the creation of a reproductive rights task force, to formalize and strengthen its protection of reproductive rights under federal law. The Department continued to monitor state legislation and, where appropriate, took legal action to protect federal reproductive rights. For example, it had brought dozens of cases against defendants whose actions had threatened the safety of individuals who sought access to reproductive health care. The Department also offered training to local partners on how they could use their authority to protect reproductive rights.

58. **A representative of the United States of America** said that his country defined environmental justice as the fair treatment and meaningful involvement of all people with respect to environmental laws, regulations and policies. All federal agencies had been

directed to identify and address any disproportionately adverse human or environmental health effects that their programmes, policies or activities were having on vulnerable communities, in particular those with large minority or low-income populations. Under an executive order issued in April 2023, federal agencies had been given 18 months to submit a strategic plan on environmental justice, after which a 4-year cycle of planning and implementation would be set in motion.

59. In 2016, the Environmental Protection Agency had awarded a grant of \$100 million to fund upgrades to the drinking water infrastructure in Flint, Michigan. The city's drinking water system currently met regulatory criteria for lead and copper, and the Agency was overseeing the transition to a long-term drinking water source in the area. As at September 2022, 95 per cent of lead service lines had been replaced. The Agency would continue to monitor the replacement of all lead and galvanized service lines, while the use of orthophosphate treatment systems was also contributing significantly to reducing lead levels in the water.

60. **A representative of the United States of America** said that, in November 2021, the President had signed the Bipartisan Infrastructure Law. Not only had more than \$13 billion in funding been made available to federal agencies to support tribal communities under that legislation, but Native American tribes were eligible to apply for billions of dollars in additional funding. The Bureau of Indian Affairs of the Department of the Interior had received \$466 million under that law for infrastructure projects and climate resiliency initiatives. The Department had also received \$2.5 billion to help it fulfil settlements relating to water rights claims and to deliver water resources to tribal communities.

61. **A representative of the United States of America** said that, on President Biden's first day in office, he had signed a proclamation ending the restrictions on entering the country that the previous Administration had placed on nationals of seven predominantly Muslim nations. The Secretary of State had directed all embassies and consulates to resume processing visa applications of persons who had been subjected to the restrictions, and the Department of State had confirmed that persons whose immigrant visa applications had been denied or refused under those restrictions could have their applications reconsidered without having to pay additional fees. Applicants for non-immigrant visas had also been invited to file new applications. The President's commitment to placing equality and non-discrimination at the heart of his Administration was reflected in his Executive Order 14091 on Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government.

62. **A representative of the United States of America** said that the creation of the Family Reunification Task Force of the Department of Homeland Security in 2021 reflected the current Administration's commitment to reunifying the thousands of families that had been separated under policies of the previous Administration and ensuring that family separations were not repeated in the future. Only the previous day, a settlement had been reached in *Ms. L., et al. v. ICE, et al.* prohibiting, for a minimum of eight years, separations except in certain specified circumstances such as those involving medical emergencies, criminal prosecutions and severe public safety risks. The Family Reunification Task Force had also worked on formulating new policies to ensure that any separations were well documented so that the families could be reunified as soon as possible.

63. **A representative of the United States of America** said that the Government had carried out a thorough review process with the aim of reducing the number of detainees at the Guantanamo Bay detention facility and, ultimately, closing it altogether. To that end, the authorities were actively attempting to identify suitable locations to which eligible detainees could be transferred. Laws were in place that prohibited the use of funds to transfer detainees to the United States of America, Yemen, Libya, Somalia, Afghanistan or the Syrian Arab Republic. In cases where it was not possible to repatriate a detainee to his or her country of origin, the Government's only option was to engage in complex diplomatic efforts to facilitate transfer to another country. Nonetheless, under domestic law, all persons detained in connection with national military operations must be treated humanely, regardless of the location of their detention.

64. The United States of America conducted targeted strikes against specific terrorist threats outside its territory and areas of active hostilities in order to prevent terrorist attacks. Those strikes were carried out in compliance with all applicable domestic and international laws. The country was currently engaged in an armed conflict with Al-Qaida and associated forces. In accordance with the law of war, it was permitted to use force against those parties and also reserved the right to use force in self-defence.

65. A redacted version of a policy memorandum issued by President Biden governing direct action counter-terrorism operations outside areas of active hostilities had recently been provided to the media. The memorandum, which established standards and procedures for the use of lethal force outside areas of active hostilities, had been the outcome of an inter-agency review process intended to ensure that operations were both lawful and consistent with American values and broader national security objectives. The memorandum was a policy document and therefore did not have any impact on the provisions of international or domestic law governing such operations. Rather, it set out processes designed to ensure compliance with domestic and international law, including, for example, the obligation to submit proposals to target terrorists with lethal force for legal review. As a matter of policy, American forces went beyond their international obligations in their efforts to protect civilians. In August 2022, the Department of Defense had issued the Civilian Harm Mitigation and Response Action Plan, which envisaged specific measures such as hiring more personnel devoted to civilian harm mitigation and response, establishing a civilian protection centre of excellence and creating a new data management platform.

66. **A representative of the United States of America** said that her Government was deeply concerned about the disproportionate impact that gun violence had on communities of colour and continued to push for common-sense gun violence legislation that would require background checks for all gun sales, ensure that terrorists could not buy a weapon in the country, ban assault weapons and high-capacity magazines, revoke gun manufacturers' immunity from liability and curb the proliferation of ghost guns. The Department of Justice was working to implement the Bipartisan Safer Communities Act, signed in June 2022, which enhanced certain restrictions and penalties on firearm purchases, promoted evidence-based best practices for school safety and appropriated emergency funding for mental health resources and school safety matters. Model legislation published in June 2021 had made it easier for states to adopt red flag laws to temporarily bar people in crisis from accessing firearms if they presented a danger to themselves or others.

67. The Office on Violence Against Women of the Justice Department provided technical assistance and administered federal grant programmes under the Violence Against Women Act. The Office had awarded more than \$9 billion in grants and cooperative agreements, including more than \$400 million in fiscal year 2022, to local, state and tribal governments, courts, non-profit organizations, community-based organizations and educational institutions to support crisis intervention, transitional housing and legal assistance for survivors and training for law enforcement officials and the judiciary.

68. **Mr. Gómez Martínez** said that he would appreciate further information on the measures taken to address the high rates of violence against women, particularly low-income, Afrodescendent and Indigenous women and women in prisons and immigrant detention centres. He would welcome the delegation's comments on the fact that some states had no laws against female genital mutilation and that many allowed marriages in cases where one or both of the partners were under 18 years of age. He would like to know whether any specialized courts existed to try cases involving violence against women.

69. **Ms. Tigroudja** said that she would like to know whether the State party had taken any specific measures since 2022 to ensure that its abortion laws complied with the abortion care guideline published by the World Health Organization. She would appreciate information on any efforts to counter the criminalization of women who had undergone an abortion, the medical personnel who had carried out the procedure and anyone else who had aided them. Were any reparation measures available to the victims of the criminalization of that procedure?

70. **Mr. Quezada Cabrera** said that he would like to know what measures were being taken to overcome racial disparities and discrimination against Afrodescendent and

Indigenous families in the child protection system and what the results had been. Was a review being conducted of federal laws that undermined the right of families to stay together, such as the Child Abuse Prevention and Enforcement Act and the Adoption and Safe Families Act, with a view to their amendment or repeal?

71. **Ms. Kran** said that she would like to know whether the State party planned to fully declassify the report published by the United States Senate Select Committee on Intelligence on torture conducted by the Central Intelligence Agency or, if not, to allow security-cleared counsel for detainees to access that report. She would also be interested to learn if it was considering declassifying the findings of the report on the Durham investigation into some aspects of the same subject. Did the State party envisage reconsidering the decision not to prosecute officials who were allegedly responsible for acts of torture? She wondered whether there were plans to facilitate independent medical reviews for aging detainees in Guantanamo Bay. She wished to know how the fact that the State party had accounted for nearly 40 per cent of the global arms trade over the past five years and its withdrawal from the Arms Trade Treaty in 2019 were consistent with its obligation to uphold the right to life and other relevant provisions of the Covenant. Was the State party reconsidering its position on the Arms Trade Treaty?

72. **Ms. Šurlan** said that she would like to know whether any measures were being taken to address homelessness in the light of the Committee's understanding that the Sex Offender Registration and Notification Act had exacerbated that problem. She wished to know whether there were any remedies in place for pregnant women who were forced to carry to term at the risk of their health, for women who had undergone unsafe abortions that had led to severe health problems or for their families if those legal restrictions had resulted in the women's death. Information would be welcome on whether the State party planned to adopt the Women's Health Protection Act and to decriminalize culturally congruent midwifery practices.

73. **Mr. Santos Pais** said that he wished to know if there were any plans to establish a mandatory, nationwide database on the excessive use of force by law enforcement officials that would be disaggregated by race and Indigenous status, gender and gender identity, age, nationality and sexual orientation. He would appreciate updated information on the status of the bills concerning the proposed End Racial and Religious Profiling Act and the George Floyd Justice in Policing Act.

74. **Mr. Soh** said that he was disappointed that his questions about a national human rights institution, the death penalty, domestic violence and the Optional Protocols to the Covenant had not been answered. He hoped that answers could be provided either the following day or in writing. In addition, he would like to know whether any measures were being taken regarding Indigenous political prisoners, in particular Leonard Peltier, who had served nearly 48 years in prison and was now 79 years old.

75. **Ms. Donders** said that she would like to know whether any measures were being taken to ensure that federal legislation and policies addressing racism in the criminal justice system were enforced at the state and local levels. She wondered how the State party promoted better representation of racial and ethnic minorities in the legal profession. She was keen to know whether the school-to-prison pipeline guidelines were distributed to all schools across the country and, since they were not binding, how schools were encouraged to implement them and whether their implementation was monitored. She wondered how state laws protecting lesbian, gay, bisexual and transgender students in school were enforced and what the State party was doing to combat misinformation and bias about sexual orientation and gender identity among students and teachers. She would be interested to learn how the State party was dealing with the backlog in visa applications and expediting the reapplication process following the lifting of Presidential Proclamation 9645.

76. **Mr. Yigezu** said that he would welcome information about the impact of measures taken to combat the use of excessive force by law enforcement officials, which had led to a disproportionate number of deaths from racial and ethnic minorities. He was keen to learn whether the State party planned to meet the international standard on necessity and proportionality regarding such measures. He would like to know exactly what challenges the State party was facing in its attempts to win passage of the George Floyd Justice in Policing

Act, which, if adopted, would address many of the problems that existed with regard to the excessive use of force. He would appreciate information on the actual impact of the measures taken to combat gun violence. He looked forward to a response to his questions about the State party's reservations to certain provisions of the Covenant and clarification as to whether or not the State party recognized that access to clean water and the impacts of climate change were relevant topics in respect of the right to life.

77. **A representative of the United States of America** said that, while his country did not have an official national human rights institution, it welcomed a continuing dialogue with the Committee and civil society about the establishment of such an institution. Other mechanisms were in place to ensure that human rights were respected, including an independent judiciary at the local and state levels and numerous state and local human rights institutions. His Government had prioritized the development of strategies for ensuring that citizens, particularly in underserved communities, had the opportunity to inform policy.

78. **A representative of the United States of America** said that the Secretary of Housing and Urban Development would be submitting a proposal for the elimination of unnecessary criminal records that had acted as a barrier to access to housing for some persons and planned to consult civil society in that regard.

79. **A representative of the United States of America** said that, in answer to one of the very important questions posed by Mr. Soh, she wished to note that, by having recourse to the Fair Housing Act and other laws, her Government was ensuring that local governments did not restrict the right of domestic violence victims to access assistance from law enforcement officers. Legal action had been taken against the City of Hesperia, for example, concerning discriminatory laws affecting people of colour and persons with disabilities.

80. **A representative of the United States of America** said that, given the size and plurality of his country, in addition to the constraints associated with a federal system, his Government would need time, effort and all of its resources to address the country's history of racism, discrimination and bigotry. While the executive branch had urged Congress to act on measures such as the George Floyd Justice in Policing Act and the End Racial and Religious Profiling Act, it also proactively addressed those issues, including through law enforcement and policing reforms, which were clearly not sufficient to solve those problems alone but demonstrated a commitment to upholding the constitutional rights of all people in the country. Guidance documents and other tools were used to remind law enforcement agencies and other agencies about their obligations under federal law. An executive order had been signed to improve law enforcement agencies' data collection and use of such critical aids as body cameras. The Department of Justice also provided over \$5 billion a year to law enforcement agencies and ensured that the beneficiaries of those funds knew and complied with their legal obligations.

81. **A representative of the United States of America** said that the Department of Justice had prioritized the funding of projects designed to promote racial equity. The Office for Access to Justice addressed disparities in the criminal and civil legal systems and was working to strengthen access to justice for Native American communities.

82. **A representative of the United States of America** said that the State of Nevada had banned the police force from using the type of chokeholds that had caused deaths, implemented a state law providing for judicial investigations into police departments alleged to have used discriminatory practices, limited the use of no-knock warrants and required law enforcement officers to wear body cameras. While the United States Congress was facing challenges in its attempts to pass red flag and ghost gun laws, the State of Nevada was already taking action to combat gun violence. Full background checks were required for any gun purchase, citizens under the age of 18 could not purchase guns, and persons wishing to carry concealed weapons required permits to do so.

83. **A representative of the United States of America** said that her Government was unequivocally committed to addressing the disproportionality and disparities in the child welfare system as they affected black, American Indian, Alaska Native, Hispanic and Latino people and other people of colour, people from the LGBTQI+ community, communities experiencing poverty and others. Four priority areas had been established: finding means of preventing children from entering foster care in the first place; supporting kin caregivers;

ensuring that, when young people left care, they did so with strengthened relationships and support; and enhancing the child welfare workforce. In addition, the Office of Civil Rights was responsible for ensuring that child welfare entities complied with their obligations under federal non-discrimination law and was working to ensure that a holistic approach was taken to child welfare.

84. **A representative of the United States of America** said that her Government understood that the majority of those impacted by changes in immigration policy were people of colour. Discrete but important policy changes had been made to expand access to immigration benefits, including the U visa for survivors and victims of crime, the T visa for victims of trafficking in persons and self-petitioner protection for those who had been abused by a spouse or relative. The Council on Combating Gender-Based Violence had supported the establishment of victim-centred policies and ensured compliance with confidentiality protections for victims.

85. **A representative of the United States of America** said that both the United States Immigration and Customs Enforcement (ICE) and Customs and Border Protection had zero-tolerance policies on sexual abuse in immigration detention facilities. The Prison Rape Elimination Act regulations set out extensive requirements regarding training and regarding the prevention, reporting and investigation of sexual abuse. With respect to allegations of the forced sterilization of migrant women in detention, in September 2020 the Department of Homeland Security had been informed by a whistle-blower complaint of forced medical procedures performed by an off-site provider on women being held at the Irwin County Detention Center. ICE had immediately stopped sending patients in its custody to that provider, an investigation had been initiated and, in November 2020, ICE had halted intakes of detainees for that facility, which was not currently in operation.

The meeting rose at 6:10 p.m.