

April 17, 2023

Kara McDonald
Deputy Assistant Secretary
Bureau of Democracy, Human Rights, and Labor
United States Department of State
2201 C Street NW Washington, DC 20520

Robert G. Berschinski
Special Assistant to the President and Senior Director for Democracy and Human Rights
National Security Council
The White House
1600 Pennsylvania Avenue NW Washington,
D.C. 20500

Justin Vail
Special Assistant to the President for Democracy and Civic Participation \\
Domestic Policy Council
The White House
1600 Pennsylvania Avenue NW Washington,
D.C. 20500

Re: United States Periodic Report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR)

Dear Ms. McDonald, Mr. Berschinski and Mr. Vail:

The undersigned organizations call on the Biden administration to update the United States' fifth periodic report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR). The Committee will be basing its review on this report, which was submitted by the Trump administration on January 15, 2021. This report version lacks updates on existing U.S. policies, as well as a commitment to expand protections for marginalized communities, especially non-citizens, in the context of reproductive health and access to medical care. It is critical — and consistent with the Biden administration's policy commitments — to address the gaps between current U.S. policies and the ICCPR.

[Annex B](#) to the ICCPR report should be withdrawn or significantly corrected to reflect current U.S. government policies under the Biden administration, especially with regard to abortion rights and the treatment of non-citizens, including migrants, refugees, and asylum seekers. While the current policy is far from fully compliant with the ICCPR, an updated report reflecting current U.S. policy on these issues will signal to the Human Rights Committee improved progress towards the United States' full compliance with the ICCPR.

[Annex C](#) to the report, especially the portions concerning prohibition of torture in the context of solitary confinement, should be revisited altogether, as current U.S. position and policy on this issue remains non-compliant with both the ICCPR and Nelson Mandela Rules.

While we welcome the administration's four ICCPR civil society consultations being held between February and July, we believe that these meetings should be an opportunity to pursue policy changes grounded in U.S. international human rights obligations, especially under the ICCPR. These consultations should elicit concrete policy changes leading up to the ICCPR U.S. review in October. Such action would demonstrate the United States' serious commitment to advancing human rights at home and will be received favorably, we believe, by both civil society and the Human Rights Committee.

We thank you for organizing the consultation process early, and hope that it will have a meaningful impact on domestic policy, along with the U.S. government's eventual presentation before the Committee in October. We look forward to the consultations resulting in expressed commitments and concrete actions from the current administration — pursued through a deliberative and informed process in consultation with civil society.

For further questions, please contact Mr. Jamil Dakwar, American Civil Liberties Union, at jdakwar@aclu.org or Mr. Hammad Alam, Asian American Advancing Justice, at: hammada@advancingjustice-alc.org.

American Civil Liberties Union
Asian Americans Advancing Justice – Asian Law Caucus
Alliance San Diego
Center for Constitutional Rights
Center for Reproductive Rights
Center for Victims of Torture
Chicago Anti Eviction Campaign NFP
Global Justice Center
Global Rights Advocacy
Hawaii Institute for Human Rights
Human Rights Advocates
Human Rights First
Human Rights Watch
If/When/How
Malcolm X Center for Self Determination
MPower Change
Muslim Advocates
National Homelessness Law Center
Physicians for Human Rights
Saint Louis University School of Law Human Rights at Home Litigation Clinic
Santa Clara University - International Human Rights Clinic
Southern Border Communities Coalition
Southern Poverty Law Center