



April 8, 2020

Scott Busby  
Deputy Assistant Secretary for Human Rights  
Bureau of Democracy Human Rights and Labor  
U.S. Department of State  
600 19th St., N.W.  
Washington, D.C. 20522-1705 (via email)

Re: United States Universal Periodic Review (UPR) Report

Dear Mr. Busby:

The undersigned member organizations of the US Human Rights Network (USHRN) UPR Task Force hope this letter finds you and your staff protected and empowered to respect, protect, and promote international human rights during this COVID-19 pandemic and beyond.

The undersigned organizations call on the U.S. government to ensure that its responses to the COVID-19 pandemic conform with U.S. international human rights commitments and obligations. We also ask that you include information on U.S. responses to COVID-19 in the government’s report to the Human Rights Council especially since the third cycle review itself has been postponed to November 2020 due to the global health crisis.

At the March 25 meeting with civil society groups regarding U.S. reporting on compliance with the International Covenant on Civil and Political Rights (ICCPR), you confirmed that the U.S. UPR report has not yet been submitted. In an email of the same date, the State Department confirmed that the U.S. “take[s] very seriously the process of reflecting on our human rights record and the advances made in the United States in the past five years and expect to participate fully in the UPR process at the November session in Geneva.” The State Department also reminded civil society groups that they may send input to [USUPR2020@state.gov](mailto:USUPR2020@state.gov). The report is already significantly past its deadline (February 3), and in light of the new review date in November, and recent call for inputs, the U.S. has an opportunity to include information on this most pressing human rights crisis: the COVID-19 pandemic.

As you know, the UPR—and human rights compliance—is about more than reporting. The focus is also on implementation. The current COVID-19 pandemic is unprecedented and communities across the United States are deeply and irreversibly impacted. This is an opportunity for the U.S. to demonstrate a commitment to human rights through action. We strongly urge the State Department to exercise leadership by issuing clear guidance to federal agencies, and to state, local and tribal governments on how to respond to COVID-19 in ways that align with U.S. human rights commitments and obligations, and that protect the full spectrum of social, economic, civil, and political rights.

The State Department should also advise the Executive Branch, including the White House Coronavirus Task Force, on their international obligations to assist and support state, local and tribal governments in carrying out their human rights obligations. This is especially important in times of emergency and unprecedented public health crises. These steps are also mandated under Executive Order 13107: Implementation of Human Rights Treaties. In fact, state and local human rights agencies have repeatedly sought such guidance, including through the UPR process and at the most recent ICCPR meeting.

Several regional and international human rights bodies have issued statements and [guidance](#) describing how to ensure that government measures to tackle the public health threat posed by the COVID-19 pandemic respect human rights. They have stressed the universal obligation not to misuse and abuse [emergency powers](#).

On March 24, 2020, the Chairpersons of the 10 U.N. Treaty Bodies called on States “to adopt measures to protect the rights to life and health, and to ensure access to health care to all who need it, without discrimination.” They urged governments to take extra care of those particularly vulnerable to the effects of COVID-19, including “older people, people with disabilities, minorities, indigenous peoples, refugees, asylum seekers and migrants, people deprived of their liberty, homeless people, and those living in poverty.”

Several U.N. human rights experts issued similar statements calling on governments to protect the rights of those who are at higher risk of being denied access to medical treatment and other preventive measures. They emphasized specifically the need to protect [people of African descent](#), [minority communities](#), [people experiencing homelessness](#), women and children victims of [domestic violence](#) in the context of COVID-19 lockdowns, people who use drugs, LGBT and gender diverse persons, migrants and asylum seekers, and persons deprived of liberty from abuses. (See annex of letter for list of statements from UN Human Rights Bodies).

The Inter-American Commission on Human Rights has also issued statements that both [call on states](#) to guarantee comprehensive protection for human rights and unrestricted access to public health resources during the COVID-19 pandemic, and [echo concerns](#) regarding the rights of people deprived of liberty. We also note that several organizations,

including the World Health Organization (WHO) and [USAID](#), have also called for developing appropriate precautions and mitigation strategies to implement across all public health sectors. This is to prevent potentially devastating outcomes, which will occur if we do not ensure continuity of treatment and support for viral suppression among people living with HIV (PLHIV), and provide services to members of key populations such as sex workers.

We call on the State Department-led inter-agency group drafting the U.S. UPR report to incorporate detailed information on measures taken by the U.S. government to ensure that responses to the COVID-19 pandemic are compatible with international human rights commitments and obligations, especially steps taken to protect the most vulnerable, marginalized, and historically discriminated communities. The State Department should also inform civil society groups engaging in the UPR process when the U.S. UPR report is submitted, and make it publicly available upon submission to the UN Human Rights Council.

Sincerely,

American Civil Liberties Union  
Best Practices Policy Project  
Center for Constitutional Rights  
Columbia Law School Human Rights Institute  
Empathy Surplus Project  
Hawaii Institute for Human Rights  
National Lawyers Guild International Committee  
Rights and Democracy Institute  
The Woodhull Freedom Foundation  
U.S. Human Rights Network

CC:

Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights  
The Honorable James E. Risch, Chairman, U.S. Senate Committee on Foreign Relations  
The Honorable Eliot L. Engel, Chairman, U.S. House Committee on Foreign Affairs

## ANNEX

### Statements and Guidance on Government Responses to COVID-19 from UN Human Rights Bodies

- Mar. 16, 2020 [COVID-19: States should not abuse emergency measures to suppress human rights – UN experts](#)
- Mar. 17, 2020 [COVID-19: Who is protecting the people with disabilities? – UN rights expert](#)
- Mar. 18, 2020 [“Housing, the front line defence against the COVID-19 outbreak,” says UN expert](#)
- Mar. 19, 2020 [COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts](#)
- Mar. 20, 2020 [COVID-19 does not discriminate; nor should our response](#)
- Mar. 23, 2020 [COVID-19 will not be stopped without providing safe water to people living in vulnerability – UN experts](#)
- Mar. 23, 2020 [States should take action against COVID-19-related expressions of xenophobia, says UN expert](#)
- Mar. 24, 2020 [UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19](#)
- Mar. 25, 2020 [Urgent action needed to prevent COVID-19 “rampaging through places of detention” – Bachelet](#)
- Mar. 26, 2020 [No exceptions with COVID-19: “Everyone has the right to life-saving interventions” – UN experts say](#)
- Mar. 27, 2020 [“Unacceptable” – UN expert urges better protection of older persons facing the highest risk of the COVID-19 pandemic](#)
- Mar. 27, 2020 [States must combat domestic violence in the context of COVID-19 lockdowns – UN rights expert](#)
- Mar. 27, 2020 [COVID-19: Health care heroes need protection – UN expert](#)
- Mar. 30, 2020 [COVID-19: Measures needed to protect people deprived of liberty, UN torture prevention body says](#)
- Mar. 30, 2020 [COVID-19 fears should not be exploited to attack and exclude minorities – UN expert](#)
- Mar. 31, 2020 [The rights and health of refugees, migrants and stateless must be protected in COVID-19 response: A joint statement by UNHCR, IOM, OHCHR and WHO](#)
- Apr. 03, 2020 [UN experts call on Governments to adopt urgent measures to protect migrants and trafficked persons in their response to COVID-19](#)
- Apr. 06, 2020 [Statement on COVID-19: Racial equity and racial equality must guide State action](#)
- Apr. 06, 2020 [Statement on the coronavirus disease \(COVID-19\) and economic, social, and cultural rights](#)