



Oral Statement Delivered Under Item 2: Oral Update by the United Nations High Commissioner for Human Rights

Human Rights Council 35th Session

June 7, 2017

Mr. President,

First, the ACLU would like to thank the High Commissioner for his statement and report to the Council. We commend his dedicated staff here in Geneva and around the world for their tireless and steadfast work. They truly are the *conscience* of the world: monitoring and reporting on human rights violations, supporting victims and survivors, and calling for accountability. High Commissioner Zeid and his predecessors have set an exemplary model for the universal application of human rights without exception. We strongly agree that no person, entity, or country – no matter how powerful – should be above international law, and that no nation – whether democratic or authoritarian – should be immune to scrutiny and universal obligations to uphold the human rights of ALL people, everywhere, at ALL times.

Today, we are encouraged that Ambassador Nikki Haley is engaging with the Council. Last week, in a strongly-worded op-ed, Ambassador Haley clarified that the United States “very strongly supports human rights”. She further criticized other countries for their markedly poor human rights record, but curiously chose to spare close U.S. allies such as Saudi Arabia and Egypt who, of course, are members of the UN Human Rights Council.

Historically, the United States has been a key player in the development of a system of universal human rights. In the 1940s, the United States led a global effort to create the first global human rights body, and the predecessor to this Council -- the U.N. Commission on Human Rights. This body enjoyed as its first chair United States First Lady Eleanor Roosevelt, who also presided over the adoption of the Universal Declaration of Human Rights.

But all too often in our history, the U.S. — irrespective of the political party in power — has failed to practice what it preaches to other countries. In the global landscape of human rights, the U.S. has normalized a double-standard, expecting far less of itself than what it demands from others. Very often, the U.S. has exempted itself from the very same norms and standards that it demands other countries meet and selectively ignored injustices or committed serious human rights violations at home and abroad.

As a consequence, human rights have become part of U.S. foreign policy, but have never fully been incorporated into domestic policy. As we stand here today, the United States remains the only country in the world to sentence children to die in prison. This is partly why we are also the only country in the world that hasn't ratified the Convention on the Rights of the Child. This, indeed, is an ugly side of American Exceptionalism.

The United States' selective approach to the recognition of human rights has undermined its credibility and leadership on the world stage, as a country that stands for democracy, rule of law and human rights. Like a majority of Americans, the ACLU doesn't believe that human rights are a partisan issue, nor do we believe they should be used as a tool to serve U.S. foreign policy interests. We believe they are to be recognized and respected in the U.S. and abroad, under Democratic, Republican, or any administration.

Who will take Ambassador Haley seriously when she declares that the U.S. strongly supports human rights, when in just four months, her own administration has taken actions and made commitments to deny countless Americans their human rights at home? The administration has pushed to strip millions of Americans of their health care coverage, issued discriminatory and dangerous executive orders targeting nationals from Muslim-majority countries and banning refugees, ramped up abusive immigration enforcement and detention, signaled it would not support police reform and accountability measures as advocated by communities of color, revived the failed 'war on drugs', push for restrictions on women access to reproductive health care, encouraged voter suppression, expedited oil and extraction projects while violating land and water rights of indigenous peoples, and encouraged discrimination against LGBTQ people in the name of religious freedom. How could this administration claim to "strongly support human rights"?

While there is little hope that U.S. federal government under the Trump administration is likely to uphold its international human rights obligations, we have seen a massive and swelling movement of people taking the streets, protesting, organizing, advocating, seeking court orders – basically, fighting back to make respect for their human rights a reality. Indeed, as we witnessed yet again last week in response to the Trump administration's decision to withdraw from the Paris Climate Agreement, there is a momentum building in the United States, a unique movement for civil and human rights, for climate justice, for the integrity of democratic institutions, and for the rule of law. This movement is spreading across states and resisting the misguided federal government. In many places, it is local and state governments who have been leading the charge.

The message is very clear: Americans will not accept isolationist policy, and will not accept an agenda that tears the U.S. away from the rest of the world. Regardless of the party in power, the U.S. needs to lead by example and practice what it preaches on human rights. The United States must get its own house in order and make human rights at home a priority—then, it can begin to credibly demand the same of other countries abroad.