

UPR WORKING GROUP - NINTH SESSION

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UPR of USA - INTERACTIVE DIALOGUE

05 November 2010

INTERVENTION BY INDIA

Mr. President,

India warmly welcomes the delegation of USA led by _____ and thanks the delegation for its informative presentation. We would also like to complement USA for the quality of its national report which, apart from providing a comprehensive overview of the normative and institutional background, and the country's commitment to human rights, has also been candid in its acknowledgement and assessment of historical anomalies and remaining challenges, such as those pertaining to slavery, native Americans, racial disparities and racial or ethnic profiling. Indeed, the report embodies the fundamental strengths of the country as a robust democracy - in its commitment to openness, its concern on fundamental freedoms and its quest for fairness and equality.

Mr. President,

2. We would like to request the US delegation for information on the following issues:

- a) One, while recognising the primacy of the responsibility of state, as distinct from non-state actors, to secure the

promotion and protection of human rights, there have been persistent concerns about human rights abuses by business corporations that have often negated the positive impact that business can have on economic development and human rights. We would, therefore, like to know the US Government's position on its *Alien Tort Claims Act*, under which foreign plaintiffs can bring lawsuits against US companies for breaches of international law, including international human rights law, that are committed by these companies outside the US territory, and the recent judgment on this law by a New York circuit court that denies such recourse?

- b) Two, we note that the country has made commendable progress in integrating women in its military forces. India too has been taking steps in similar direction. However, some concerns have been expressed about sexual harassment of women in US military. We would request information on the extent of this problem, the measures taken to combat it and the country's experience of challenges that it has had to face while doing so?
- c) Three, while acknowledging the steps taken by the country to remedy the problem, concerns remain about the disproportionately high conviction rates for African Americans, and their disproportionately low access to education, health and employment. We would request the views of the delegation on the matter.

3. To conclude, we would recommend that the United States consider ratifying ICESCR, CEDAW and CRC at the earliest. We would also recommend that the United States consider ratifying ILO Convention 100 on equal remuneration for men and women for work of equal value, and ILO Convention 111 on discrimination in employment and occupation.

Thank you, Mr President.
