



**International Human Rights
Instruments**

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**Common core document forming part of the
reports of States parties**

United States of America*

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Updates to the Common Core Document of the United States of America January 23, 2016

1. The Common Core Document of the United States, which accompanies the periodic reports under all human rights treaties to which the United States is a party, was most recently submitted on December 30, 2011 with the Fourth Periodic Report of the United States of America to the United Nations Committee on Human Rights concerning the International Covenant on Civil and Political Rights, CCPR/C/USA/4. This document includes updates to specified paragraphs of the 2011 Common Core Document and Annex A to the Common Core Document: State, Local, Tribal, and Territorial Human Rights Organizations and Programs to provide more recent statistical and organizational information.¹ In addition, this document includes Table 1, which contains a list of the main international human rights conventions and protocols to which the United States is party, along with information on the reservations and understandings relating to those treaties. Because the next U.S. census will not take place until 2020, most population statistics included in this update are based on official intercensal population estimates and American Community Survey.² The United States is planning to produce a new Common Core Document to replace the 2011 Common Core Document once applicable data from the 2020 United States Census are published.

I. General Information about the Reporting State

A. Demographic, economic, social, and cultural characteristics

1. Demographic indicators

2. Update to paragraphs 1-10. The annual estimate of resident population for the United States as of July 1, 2014 shows a total population of 318.86 million, representing further growth from the 308.7 million reported in the 2010 Census. The estimated racial composition is 246.66 million (77.4%) White; 42.16 million (13.2%) African American/Black; 3.96 million (1.2%) American Indian/Alaska Native (AIAN); 17.34 million (5.4%) Asian; 741.6 thousand (0.2%) Native Hawaiian/Other Pacific Islander (NHPI); and 8.0 million (2.5%) Two or More Races. Approximately 55.4 million persons (17.4%) were of Hispanic origin, of which the large majority (88.1%) were White, 4.7% were African American/Black, and 2.9% were AIAN. <http://factfinder2.census.gov/bkmk/table/1.0/en/PEP/2014/PEPSR6H>.

3. The total population increase from April 1, 2010 to July 1, 2014 was approximately 10.1 million. The largest components of this growth by race were White at 46.7%, and Asian at 21.6%. Approximately 48.6% (4.9 million) of the change in population involved persons of Hispanic ethnicity. <http://factfinder.census.gov/bkmk/table/1.0/en/PEP/2014/PEPCCOMP>.

4. Approximately 11.4 million unauthorized immigrants were estimated to be living in the United States in January 2012, compared to 11.5 million in January 2011. Of these, 42% had entered the United States in 2000 or later, and 59% were from Mexico. After Mexico,

¹ These updates to specified paragraphs are intended to be read in conjunction with the previously submitted Common Core Document of the United States of America, available at: These updates to specified paragraphs are intended to be read in conjunction with the previously submitted Common Core Document of the United States of America, available at: <http://www.state.gov/j/drl/rls/179780.htm>, and Annex A, available at: <http://www.state.gov/j/drl/rls/179782.htm>.

² There are some differences between Census data, cited in our original Common Core document, and the Vintage 2014 Population Estimates and American Community Survey Annual Estimates of Resident Population referenced here. Particularly, responses of "Some Other Race" from the 2010 Census are modified in the Vintage 2014 Population Estimates and American Community Survey Annual Estimates of Resident Population. This results in differences between the populations for specific race categories shown for the 2010 Census population in this document versus those in the original 2010 Census data. For more information, see <http://www.census.gov/popest/data/historical/files/MRSF-01-US1.pdf>.

the leading source countries were El Salvador, Guatemala, Honduras, and the Philippines. http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf.

5. The estimate of the median age of the population in 2014 was 37.7, compared to 37.2 in the 2010 Census. The median age for all race and Hispanic origin groups rose during that period. <http://factfinder.census.gov/bkmk/table/1.0/en/PEP/2014/PEPASR6H>.

2. Social, economic, and cultural indicators

6. Update to paragraphs 11-13. Educational attainment. In 2014, it was estimated that 32.1% of persons 25 years and older in the United States were college graduates or higher – slightly higher than in 2010. For Asian Americans, the figure was 51.6%, for African Americans/Blacks 19.7%, and for non-Hispanic White Americans 33.6%. For Hispanic Americans, the figure was 14.4%. These percentages were higher than they were in 2010, when the total population with college degrees or higher was 28.1% and much higher than in 1970, when the population with college degrees was 10.7%. <http://www.census.gov/hhes/socdemo/education/data/cps/2014/tables.html>; <http://www.census.gov/hhes/socdemo/education/data/cps/1970/tab-199.pdf>.

7. In 2014, the estimates for those with high school diplomas or higher were 87% for all Americans, 86.3% for Asian Americans, 92% for non-Hispanic White Americans, 84.4% for African Americans/Blacks, and 65.3% for persons of Hispanic origin. Likewise, these percentage figures were higher than in 1970, when the total was only 52.3%. <http://www.census.gov/hhes/socdemo/education/data/cps/2014/tables.html>; <http://www.census.gov/hhes/socdemo/education/data/cps/1970/tab-199.pdf>.

8. Except for the Asian population, women generally were more likely than men to be high school graduates. For the Hispanic population this represents a change from 1970, when Hispanic women were less likely than Hispanic men to have high school diplomas. With regard to college, women overall were more likely to have a bachelor's or higher degree. Black or African American and Hispanic/Latino women were somewhat more likely than Black or African American and Hispanic men to have college degrees, while non-Hispanic White, and Asian women were slightly less likely than White and Asian men to have such degrees. <http://www.census.gov/hhes/socdemo/education/data/cps/2014/tables.html>; <http://www.census.gov/hhes/socdemo/education/data/cps/1970/tab-199.pdf>.

9. Update to paragraphs 14-20. Employment. The 2014 annual averages for labor force participation rates by race and Hispanic or Latino ethnicity were as follows: total – 62.9%, White Americans – 63.1%, African American/Black Americans – 61.2%, Asian Americans – 63.6%, AIAN – 60.9%, NHPI – 67.6%, Two or More Races – 64.2 %, and persons of Hispanic/Latino ethnicity – 66.1%. White Americans made up the majority of the labor force at 79%. African Americans made up 12%, Asian Americans 6%, AIAN 1%, NHPI less than 1%, and people of Two or More Races 2%. <http://www.bls.gov/opub/reports/cps/labor-force-characteristics-by-race-and-ethnicity-2014.pdf>, see Table 1.

10. The employment to population ratio for each of the various population groups ranged from 54% for AIAN to 63.5% for NHPI. In between were African Americans/Blacks at 54.3%, individuals of Two or More Races at 57.6%, White Americans at 59.7%, Hispanic Americans at 61.2%, and Asian Americans at 60.4%. Among adult men (age 20 and older), Hispanic men continued to have the highest employment to population ratio (76%), followed by Asian Americans (71.9%) and White Americans (68.7%). The employment to population ratio for African American/Black men (59.7%) was lower than the ratios for men in the other large race and ethnicity groups.

11. Among adult women, the employment to population ratios were 55.4% for Asian Americans, 55.6% for African Americans/Blacks, 55.1% for White Americans, and 54.3% for Hispanic Americans. For men overall, it was 69.2%, and for women overall 57%. <http://www.bls.gov/opub/reports/cps/labor-force-characteristics-by-race-and-ethnicity-2014.pdf>, see Tables 1, 2, 3, and 5.

12. Generally higher levels of education are associated with a greater likelihood of employment and a lower likelihood of unemployment. Individuals with higher levels of education are also generally more likely to be employed in higher paying jobs, such as

management, professional, and related occupations, than are individuals with less education. Nonetheless, at nearly every level of education, African Americans and Hispanics were more likely to be unemployed than were Whites and Asian Americans. <http://www.bls.gov/opub/reports/cps/labor-force-characteristics-by-race-and-ethnicity-2014.pdf>, see Tables 6, 17.

3. Standard of living of different segments of the population

13. Update to paragraph 21. Real median household income for 2014 was \$53,657, down from \$57,357 in 2007, but not statistically different from the 2013 median of \$54,462. The real median income for non-Hispanic White households declined by 1.7% between 2013 and 2014, but for African American/Black, Asian American, and Hispanic households, changes from 2013 were not statistically significant. Median household income estimates for 2014 were: \$60,256 for non-Hispanic White households, \$35,398 for African American/Black households, \$74,297 for Asian households, and \$42,491 for Hispanic households.

14. The poverty rate in 2014 was 14.8%, not statistically different from 2013.³ In 2014, there were 46.7 million people in poverty – for the fourth year in a row, the number of people in poverty was not statistically different from the previous year’s estimate. The 2014 poverty rate was 2.3 percentage points higher than in 2007, the year prior to the most recent recession.

15. Between 2013 and 2014, changes in the number of people in poverty and the poverty rate were not statistically significant for any race or Hispanic origin group. The 2014 poverty rate for non-Hispanic Whites was 10.1%, for African Americans/Blacks 26.2%, for Asians 12%, and for people of Hispanic origin, 23.6%. In 2014, there were 46.7 million people in poverty – for the fourth year in a row, the figure was not statistically significant from the previous year’s estimate. The 2014 poverty rate was 2.3% points higher than in 2007, the year prior to the most recent recession.

B. Constitutional, Political and Legal Structure of the State

1. Description of the constitutional structure and the political and legal framework

Type of government

16. Update to paragraphs 35-36. Felony disenfranchisement. The Obama Administration is committed to providing formerly incarcerated people with fair opportunities to rejoin their communities and become productive, law-abiding citizens, including through restoring basic rights and encouraging inclusion in all aspects of society. To this end, in 2014, then Attorney General Holder called on elected officials across the country to enact reforms to restore the voting rights of all who have served their terms in prison or jail, completed their parole or probation, and paid their fines. Various changes have occurred in state practice since 2011.⁴ For example, in 2012, Iowa simplified its application process for felons seeking to restore their ability to vote, and South Carolina revoked voting rights for persons on felony probation. In 2013, Delaware repealed its five-year waiting period to vote for most offenses, and Virginia eliminated its waiting period and application for non-violent offenses. In 2015, Wyoming enacted a law requiring the Department of Corrections to issue a certificate of restoration of voting rights to certain non-violent felons being released from state prisons; the Governor of Kentucky signed an executive order that automatically restored the right to vote and hold public office to certain offenders once all terms of their sentences have been satisfied, excluding those convicted of violent crimes, sex crimes, bribery, or treason; and in settlement of litigation, California restored voting rights to felony offenders under community supervision.

³ The weighted average poverty threshold for a family of four in 2014 was \$24,230.

⁴ The sources for the examples listed here: National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>, and the Sentencing Project, http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Primer.pdf, and <http://www.sentencingproject.org/template/page.cfm?id=133>.

17. Update to paragraph 38. In 2012, voter turnout was estimated to be 58%, below the voter turnout level of nearly 62% in 2008. In 2014 – a non-Presidential election year – turnout was estimated to have been nearly 36%.⁵

Executive branch

18. Update to paragraph 50. The number for active duty military in 2012 was 1.39 million, of which 202,876 were women. The figure for 2013 was 1.37 million, of which 203,985 were women. The figure for 2014 was 1.33 million, of which 200,692 were women.

Legislative branch

19. Update to paragraph 57. As of December 2015, the House of Representatives had 19 Standing Committees, and the Senate had 16.

20. Update to paragraph 64. The 114th Congress, which took office in January 2015, is one of the most diverse in American history. The Senate is 20% women, and 2% African American/Black, 4% Hispanic, and 1% Asian/Pacific Islander. The House is 20% Women, 10.5% African

21. American/Black, 7.8% Hispanic, 2.9% Asian/Pacific Islander, and 0.4% American Indian. <https://www.fas.org/sgp/crs/misc/R43869.pdf>.

Other governmental levels

22. Update to paragraph 81. According to the U.S. Census Bureau, the population of the District of Columbia in 2014 was 658,893. <http://quickfacts.census.gov/qfd/states/11000.html>.

2. Principal systems through which non-governmental organizations are recognized

23. Update to paragraph 90. The National Center for Charitable Statistics (NCCS) estimates that, as of November 2015, there were more than 1.5 million non-profit organizations in the United States, including 1,076,309 public charities, 103,430 private foundations, and 369,557 other types of non-profit organizations. www.nccs.urban.org/statistics/quickfacts.cfm.

3. Information on administration of justice

24. Update to paragraphs 91-93. Crime rates. Crime rates in the United States continue to decrease. Federal Bureau of Investigation (FBI) statistics for 2014 indicate that there were an estimated 1,165,383 violent crimes, an estimated rate of 365.5 per 100,000 population. The violent crime category includes murder, rape, robbery, and aggravated assault. For property crimes, the number was 8,277,829, a rate of 2,596.1 per 100,000. Property crimes include burglary, larceny- theft, and motor vehicle theft. Arson is also a property crime, but data for arson are not included in property crime totals due to fluctuations in reporting. The figures for 2014 represent a continued reduction from prior years – specifically, for violent crimes a reduction of 9.6% in rate from 2010, and for property crimes a reduction of 11.9% in rate from 2010. The homicide rate for 2014 was 4.5 per 100,000 inhabitants, down from 5.6 in 2001 and 4.8 in 2010. <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-1>.

25. Updates to paragraphs 94 and 95. Hate crimes. Based on the Matthew Shepherd and James Byrd, Jr. Hate Crime Prevention Act, in 2013, the FBI began collecting hate crimes statistics to include the bias categories of gender (male and female) and gender identity (transgender and gender nonconforming) in addition to the other bias categories of race,

⁵ These percentages, from the Elections Project website, <http://www.electproject.org/home/voter-turnout/voter-turnout-data>, represent the number of votes for the highest office divided by the voting-eligible population. In presidential election years, the vote for highest office is the presidential vote. In midterm elections, the vote for the highest office is the highest vote tally for Governor or the sum of the Congressional elections. McDonald, Michael. P. 2011, “Voter Turnout,” United States Elections Project, see <http://www.electproject.org/home/voter-turnout/faq>.

religion, disability, sexual orientation, and ethnicity. In 2014, 15,494 law enforcement agencies participated in the Hate.

26. Crime Statistics Program. Of these agencies, 1,666 reported 5,479 criminal incidents involving 6,418 offenses as being motivated by a bias toward a particular race, gender, gender identity, religion, disability, sexual orientation, or ethnicity. There were 5,462 single-bias incidents involving 6,681 victims. A percent distribution of victims by bias type showed that 48.3% of victims were targeted because of the offenders' racial bias, 18.7% were victimized because of the offenders' sexual-orientation bias, 17.1% were targeted because of the offenders' religious bias, and 12.3% were victimized due to ethnicity bias. Victims targeted due to their gender identity accounted for 1.6% of single-bias incidents. The percentage of victims targeted due to their disability remained unchanged at 1.4%, while 0.6% of victims were targeted because of their gender. There were 17 multiple-bias hate crime incidents involving 46 victims.

27. Of the 4,048 hate crime offenses classified as crimes against persons in 2014, intimidation accounted for 43.1%, simple assault for 37.4%, and aggravated assault for 19%. Four murders and nine rapes were also reported as hate crimes.

28. There were 2,317 hate crime offenses classified as crimes against property. The majority of these (73.1%) were acts of destruction/damage/vandalism. Robbery, burglary, larceny-theft, motor vehicle theft, arson, and other offenses accounted for the remaining 26.9% of crimes against property.

29. Beginning in 2013, law enforcement officers could report whether suspects were juveniles or adults, as well as the suspect's ethnicity when possible. Of the 1,875 offenders for whom ages were known, 81% were 18 years of age or older. Of the 5,192 known offenders, 52% were White, and 23.2% were African American/Black. Race was unknown for 16%. Other races accounted for the remaining known offenders: 1.1% AIAN; 0.8% Asian; less than 0.1% NHPI; and 6.9% a group of multiple races. Of the 975 offenders for whom ethnicity was known, 47.6% were not Hispanic or Latino, 6.5% were Hispanic or Latino, and 1.7% were in a group of multiple ethnicities. Ethnicity was unknown for 44.2% of offenders. <http://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2014-hate-crime-statistics>.

30. Beginning in January 2015, the FBI began collecting more detailed data on bias-motivated crimes, including those committed against Arab, Hindu, and Sikh individuals. The expanded data will be featured in the Hate Crimes Statistics report for 2015.

31. To enhance the accuracy of hate crime reporting, representatives from the FBI's Uniform Crime Reporting (UCR) Program participated in five hate crime training sessions provided jointly by the Department of Justice (DOJ) and the FBI. Since April 2015, DOJ and the FBI have provided the training sessions to law enforcement agencies and community groups in several different areas of the county. UCR personnel also worked with states to ensure proper data submission and met with police agencies to provide training and discuss crime reporting issues.

32. In addition to releasing yearly hate crime statistics through its Uniform Crime Reporting (UCR) Program, the FBI also investigates incidents of bias-motivated crimes in violation of federal laws as part of its Civil Rights Program. These investigations are often worked in conjunction with local, state, tribal, and federal law enforcement partners and are referred for prosecution to local United States Attorney's Offices and/or DOJ's Civil Rights Division in Washington, D.C. The FBI investigates hate crimes that fall under federal jurisdiction, assists state and local authorities during their own investigations, and in some cases – with DOJ's Civil Rights Division – monitors developing situations to determine if federal action is appropriate.

33. DOJ continues to seek input on discrimination issues from affected communities, including Arab, Muslim, and Sikh communities, in an effort to strengthen trust and improve protection from hate crimes, bullying, and discrimination. The Department of Homeland Security (DHS) also leads or participates in regular roundtable meetings among community leaders and federal, state and local officials to help address concerns of members of diverse demographic groups.

34. Updates to paragraphs 96-100. In 2014, the prisoner population in the United States declined, from 1,577,000 at yearend 2013 to 1,561,500 at yearend 2014, reversing an increase that occurred between 2012 and 2013. The federal system held 13% of all prison inmates at yearend 2014, and the federal prison population accounted for almost a third of the total decline in the number of prisoners at yearend 2014, with 5,300 fewer prisoners in federal facilities on December 31, 2014, than on the same day in 2013. This was the second consecutive year of decline in the federal prison population. States held 10,100 fewer inmates at yearend 2014 than at yearend 2013.

35. On December 31, 2014, the number of persons sentenced to serve more than one year in state or federal prison facilities (1,508,600) decreased by 11,800 prisoners from yearend 2013 and by 44,900 from yearend 2009, when the U.S. prison population was at its peak. Admissions to state and federal prisons declined by 102,000 offenders (down almost 18%) between 2009 and 2014. During 2014, federal prisons admitted 2,800 fewer sentenced prisoners than in 2013 (down 5.2%) and released 300 fewer persons (down 0.5%). State prisons released 12,600 more prisoners in 2014 than in 2013 (up 2.2%) and admitted 519 fewer persons (down 0.1%).

36. The imprisonment rate for all prisoners sentenced to more than a year in state or federal facilities decreased from 477 prisoners per 100,000 U.S. residents in 2013 to 471 per 100,000 in 2014. The number of males sentenced to more than one year decreased in 22 states and the federal prison system, and the sentenced female population decreased in 17 states and the federal prison system. The number of females sentenced to more than one year in state or federal prison increased by almost two percent between 2013 and 2014. This was the largest number of female prison inmates (106,200) since 2008 (106,400). An estimated 516,900 black males were in state or federal prison on December 31, 2014, on sentences of more than one year, which was 37% of the sentenced male prison population. White males made up an additional 32% of the male population (453,500 prison inmates), followed by Hispanic males (308,700 inmates or 22%). White females in state or federal prison at yearend 2014 (53,100 prisoners) outnumbered black (22,600) and Hispanic females (17,800) combined. Whites (50%) made up a greater share of the female prison population than blacks (21%); however, the imprisonment rate for black females (109 per 100,000 U.S. female residents) was twice the rate of white females (53 per 100,000). <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

37. Updates to paragraphs 101-103. Capital punishment. The number of states that have the death penalty, the number of persons executed each year, and the size of the population on death row have continued to decline since 2011. As of December 2015, federal law and the laws in 31 states provide for capital punishment. Connecticut abolished capital punishment in 2012; Maryland abolished it in 2013; and Nebraska took legislative action in 2015 to abolish it with regard to future cases.

38. The number of executions continues to decline. There were 43 executions in 2011 and 2012, 39 in 2013, and 35 in 2014 – down from 46 in 2010. In 2014, only seven states carried out executions. The decline continued into 2015. In 2015, 28 executions occurred in six states, the fewest executions since 1991. The federal government has not executed an inmate since 2003, and has executed only three inmates since 1964.

39. The death penalty continues to be an issue of active concern and debate, due to the disproportionate effects on minority populations and, in recent years, the use of particular lethal injection protocols. The U.S. Supreme Court, which upheld the constitutionality of Kansas' use of a particular three-drug lethal injection protocol in 2008, *Baze v. Rees*, 553 U.S. 35 (2008), also upheld the use of midazolam in Oklahoma's lethal injection procedure, finding that petitioners had failed to establish that the risk of harm was substantial when compared to any other known and available method of execution, *Glossip v. Gross*, 576 U.S. (2015).

40. No defendant found by a court to have significant intellectual and adaptive disabilities, under criteria established by the U.S. Supreme Court, is subject to capital punishment, either at the state or federal level. The Supreme Court's 2002 ruling in *Atkins v. Virginia* has been further solidified in *Hall v. Florida*, 572 U.S. (2014) and in *Brumfield v. Cain*, 576 U.S. (2015), confirming that it would constitute cruel and unusual punishment in violation of the

Eighth and Fourteenth Amendments to execute a defendant with significant intellectual and adaptive disabilities that became manifest before age 18.

41. Of prisoners under sentence of death at yearend 2013, 56% were White and 42% were Black. The 389 Hispanic inmates under sentence of death accounted for 14% of inmates with a known ethnicity. Ninety-eight percent of inmates under sentence of death were male, and 2% were female. The race and sex of inmates under sentence of death remained relatively unchanged since 2000. <http://www.bjs.gov/content/pub/pdf/cp13st.pdf>.

II. General Framework for the Protection and Promotion of Human Rights

A. Acceptance of international human rights norms

42. Update to paragraph 104. Human rights treaties. A list of the “Main international human rights conventions and protocols,” to which the United States is party per Appendix 2(A) of the “Harmonized Reporting Guidelines,” along with information on the reservations and understandings relating to those treaties, is contained in Table 1 to this document.

B. Legal Framework for the protection of human rights at the national level

43. There are no updates.

C. Framework within which human rights are promoted at the national level

44. Update to paragraphs 120-131. Statutory law. Recent laws and regulations that add protections against discrimination include:

45. In the area of sex and sexual-orientation discrimination:

- The Lilly Ledbetter Fair Pay Act of 2009;
- The Violence against Women Reauthorization Act of 2013;
- The 2015 Final Rule revised the regulatory definition of spouse under the Family and Medical Leave Act of 1993 (FMLA) so that eligible employees in legal same-sex marriages entered into in any U.S. state, or if entered into abroad, could have been entered into in any U.S. state, are able to take FMLA leave to care for their spouses or family members.

46. With regard to Indian tribes:

- The Tribal Law and Order Act of 2010;
- Title IX of the Violence Against Women Reauthorization Act of 2013: Safety for Indian Women;
- The Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2012.

47. In the area of prevention of the sale of children, child prostitution, and child pornography, and protection of the rights of victims:

- The Intercountry Adoption Universal Accreditation Act of 2012 (UAA);
- The Trafficking Victims Protection Reauthorization Act of 2013 (Title XII of the Violence against Women Reauthorization Act of 2013);
- The Preventing Sex Trafficking and Strengthening Families Act of 2014;
- The Justice for Victims of Trafficking Act of 2015.

48. Update to paragraph 144. The United States has continued to strengthen its active outreach to the public about the work of the United Nations and its committees on human rights. Texts of human rights treaties to which the United States is party, United States reports to U.N. Committees, and Committee Observations and Recommendations are made available on the State Department website, <http://www.state.gov/j/drl/reports/treaties/>, and are also widely distributed within the executive branch of the U.S. government, to federal judicial authorities, to relevant members of Congress and their staffs, and to state, territorial, and tribal officials, and non-governmental human rights organizations. The State Department Legal Adviser has personally transmitted such information annually to state governors, the governors of U.S. territories, the Mayor of the District of Columbia, and federally recognized Indian tribes, along with requests for information from those entities for purposes of treaty reporting. In addition, as noted below in the update to paragraph 136, the State Department is working actively with organizations such as the International Association of Official Human Rights Agencies and the National Association of Attorneys General (NAAG) to promote public knowledge of and input into U.N. human rights processes. Federal officials in other departments, such as the Departments of Justice, Homeland Security, Housing and Urban Development, and Labor, consistently work with their counterparts at state, local, tribal, and territorial levels, as well as with civil society, to coordinate public outreach, training, and programmatic activities. Many civil society organizations also publicize the U.S. reports and the Committee's Concluding Observations within the United States and work with state and local authorities and the public to promote awareness of human rights.

49. Update to paragraph 145. Civil society. Civil society continues to play a critical role in promoting human rights in the United States. Our laws and institutions create an enabling environment in which civil society is encouraged to act freely without fear of reprisal.

50. Consistent with our commitment to supporting free and robust civil society at home and around the world, we conduct frequent, in-depth consultations with civil society on issues related to our human rights record. For example, in connection with recent human rights treaty reporting and the Universal Periodic Review (UPR), the United States has conducted at least 23 consultations with civil society since 2012 on issues such as non-discrimination; access to justice; criminal justice; indigenous issues; housing; the environment; and immigration, trafficking and labor.

51. These consultations have been held in cities throughout the United States, as well as in Geneva, Switzerland in connection with presentations to U.N. Committees and the UPR mechanism, and with participation from a wide variety of federal agencies as well as state government representatives.

52. Update to paragraph 146. The Department of Education continues to support state and local efforts to improve civic learning and competence. In 2015, under the Supporting Effective Educator Development program, the Department of Education awarded grants to national non-profit organizations to create learning and growth opportunities for educators serving students in high-need schools across a range of subject areas, including civics.

D. Reporting process at the national level

53. Update to paragraph 147. In recent years, the United States government has improved engagement with state and local governments to foster better awareness of human rights obligations at the state, tribal, and local levels. State and local government officials have been members of recent U.S. delegations presenting reports on the Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocols to the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the Convention Against Torture. The United States has also invited state, tribal, and local officials to consultations in connection with the UPR.

54. In addition, the federal government has reminded federal, state, local, tribal, and territorial officials of U.S. human rights treaty obligations and notified them of upcoming treaty reporting. For example, in 2014 and 2015, the State Department wrote to state, local, territorial, and tribal officials to inform them of upcoming U.S. human rights treaty presentations and the UPR. These and other letters to state, local, and tribal officials are

available at <http://www.state.gov/g/drl/hr/treaties/index.htm>. Federal officials have conducted targeted training sessions on human rights treaties for state and local officials, such as at an August 2014 conference of state- and local-level employment non-discrimination agencies. The federal government has also worked regularly with relevant associations, such as the 160-member International Association of Official Human Rights Agencies and the National Association of Attorneys General (NAAG), to provide their members with information on U.S. human rights treaty obligations and commitments and to discuss the role they can play. A speech by Acting State Department Legal Adviser Mary McLeod before the NAAG Annual Conference in February 2015 is available at: <http://www.state.gov/s/l/releases/remarks/239960.htm>.

III. Information on Non-Discrimination and Equality and Effective Remedies

A. International legal obligations

55. There are no updates.

B. Basic legal framework

U.S. Constitution and federal laws on discrimination and equality

56. Update to paragraph 159. The *Brown v. Board of Education* decision was issued in 1954, 62 years ago as of 2016.

57. Update to paragraph 162. In 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges*, 576 U.S. (2015), that the Constitution guarantees same-sex couples the right to participate in the institution of marriage. Following this ruling, Attorney General Lynch announced that all federal benefits would be available equally to married same-sex couples in all 50 states, the District of Columbia, and the U.S. Territories. DOJ continues to work across the administration to fulfill its commitment to equal treatment for all Americans, including equal access to the benefits of marriage.

58. Update to paragraph 164. The Voting Rights Act of 1965 (VRA) remains the most powerful tool in protecting against discrimination in voting. Although the U.S. Supreme Court in 2013 invalidated the portion of the VRA that required prior federal review of changes to certain jurisdictions' voting practices, *Shelby County v. Holder*, 133 S. Ct. 2612 (2013), DOJ continues to protect against discrimination in voting through action under other federal laws and other provisions of the VRA. These include Section 2 of the VRA, which allows DOJ to challenge practices that limit voting rights on the basis of race, either intentionally or in result. DOJ has also made clear that it will work with Congress and other elected and community leaders to help formulate potential legislative proposals to improve voting rights protections. DOJ also vigorously enforces the voting rights of those belonging to language-minority groups, bringing or participating in cases to protect persons with limited English proficiency.

C. Legal remedies

59. There are no updates.

D. Enforcement and prevention

1. Federal enforcement

60. Update to paragraph 174. DOJ's Civil Rights Division's Federal Coordination and Compliance Section (CRT/FCS) has responsibility for ensuring a coordinated and consistent approach to the enforcement of Title VI antidiscrimination provisions (which prohibit discrimination based on race, color, or national origin by entities receiving federal financial

assistance). Although funding agencies are primarily responsible for investigating and making determinations on alleged violations by recipients of their funding, CRT/FCS guides federal policy, advises individual agencies, and in many cases staffs investigative efforts. As part of its reinvigorated civil rights enforcement, DOJ issued new guidance to federal funding agencies concerning their Title VI obligations, which include ensuring that recipients of federal financial assistance do not employ policies or methods of administration that have a disparate impact. http://www.justice.gov/sites/default/files/crt/legacy/2013/07/24/4yr_report.pdf. DOJ also committed to providing additional technical assistance to federal agencies in order to strengthen their Title VI enforcement efforts.

61. Update to paragraph 182. As of September 2015, the Equal Employment Opportunity Commission (EEOC) operated 53 offices across the country and was working closely with more than 90 Fair Employment Practice Agencies across the nation to process approximately 40,000 charges of employment discrimination under state and federal laws received annually from those agencies, in addition to the approximately 89,000 charges that it receives directly.

62. Update to paragraph 185. In 2015, Housing and Urban Development (HUD) published a regulation to clarify for cities and communities receiving federal funds their obligation to take proactive steps to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities. Under the final affirmatively furthering fair housing rule, HUD will also collect data on patterns of integration and segregation in cities and communities to better identify potential patterns of segregation in order to help promote greater urban integration and equality.

63. Update to paragraph 186. As of September 2015, HUD was working with 88 Fair Housing Assistance Program (FHAP) agencies on the investigation and enforcement of complaints of housing discrimination.

2. Training and programs to prevent and eliminate negative attitudes and prejudice

64. Update to paragraph 191. As of September 2015, the Department of Education's Office of Elementary and Secondary Education funded 10 Equity Assistance Centers across the country to provide technical assistance and training to schools, districts, and other governmental agencies on issues related to equity in education.

65. Update to paragraph 196. The EEOC conducts approximately 3,700 educational, training, and outreach events per year, reaching approximately 350,000 people.

E. Human rights situation of persons belonging to specific vulnerable groups

66. Update to paragraph 198. Although some progress has been made, disparities in employment, home ownership and education continue to exist. For example, although overall unemployment rates for American households have dropped since 2010, for the third quarter of 2015, the unemployment rate for Whites 16 years and over was 4.5%, for African Americans/Blacks 9.5%, and for Hispanics/Latinos 6.5%. http://www.bls.gov/web/empsit/cpsee_e16.htm. In 2014, persons with disabilities continued to have a far lower participation rate in the labor force (17.1%) than persons without disabilities (64.6%). <http://www.bls.gov/news.release/pdf/disabl.pdf>. The disparities in home ownership also continue. In the third quarter of 2015, less than half of African Americans/Blacks and Hispanics/Latinos own homes, while slightly less than three-quarters of White Americans own homes. <http://www.census.gov/housing/hvs/files/currenthvspress.pdf>.

American Indians and Alaska Natives

67. Update to paragraph 205. Poverty rates among Native Americans are the highest of any race group. The U.S. Census Bureau reported that 28.3% of American Indian and Alaska Natives were living in poverty in 2014, not statistically different from the 2013 poverty rate. For the nation as a whole, the poverty rate in 2014 was 15.5%. http://factfinder.census.gov/bkmk/table/1.0/en/ACS/14_1YR/S1701.

68. Update to paragraph 207. President Obama has held Tribal Nations summits with tribal leaders every year during his Administration. In these summits, the President, the Vice President, many members of the Cabinet, dozens of senior U.S. officials, and hundreds of tribal leaders have discussed issues such as tribal self-determination, including self-governance; healthcare; economic and infrastructure development; education; protection of land and natural resources; and other matters of priority to tribal governments. Also in 2012, the President signed into law the HEARTH (Helping Expedite and Advance Responsible Tribal Home Ownership) Act that allows tribes to lease restricted lands for residential, business, public, religious, educational, and recreational purposes, thereby promoting tribal self-determination, self-governance, and economic development and home ownership. In addition, in 2013, President Obama issued an order creating the White House Council on Native American Affairs, consisting of the heads of various federal agencies, to improve high-level coordination on the pressing issues facing tribal communities. Finally, the 2013 reauthorization of the Violence Against Women Act strengthened provisions to address violence against American Indian and Alaska Native women, including a provision recognizing tribes' authority to prosecute in tribal courts those who commit acts of domestic violence in Indian country irrespective of whether the perpetrator is Indian or non-Indian. The Administration has also prioritized defending tribal water rights and reaching settlement agreements with Indian tribes over claims of trust mismanagement.

F. Special measures

69. Update to paragraph 216. In 2013, the Supreme Court followed prior precedent recognizing that colleges and universities have a compelling interest in achieving the educational benefits that flow from a racially and ethnically diverse student body and can lawfully pursue that interest in their admissions programs as long as the program is narrowly tailored to achieve that compelling interest, *Fisher v. Texas*, 133 S. Ct. 2411 (2013). On remand, the U.S. Court of Appeals for the Fifth Circuit upheld the University of Texas at Austin's limited consideration of race in undergraduate admissions to achieve the educational benefits of diversity. That decision has been appealed to the Supreme Court. Oral argument took place on December 9, 2015, and a decision is expected by the end of the 2015 Term. The United States filed a brief in support of the respondent university, setting forth, in great detail, the United States' critical interest in ensuring that educational institutions are able to provide the educational benefits of diversity. In September of 2013, the Departments of Education and Justice released joint guidance providing clarification to institutions of higher education in understanding and implementing lawful programs to promote diversity on their campuses, consistent with *Fisher* and prior Supreme Court decisions. They issued additional clarifying guidance in May of 2014.

Updates to Annex A to the Common Core Document of the United States: State, Local, Tribal, and Territorial Human Rights Organizations and Programs

70. The following are updates to specified paragraphs or sections of the Annex A to the Common Core Document of the United States: State, Local, Tribal, and Territorial Human Rights Organizations and Programs. These updates are limited to more recent statistical and organizational information. This document provides updates on institutional purpose, structure, and relationships for state and local human rights institutions listed in the earlier Annex, where updated information is available, but for reasons of length, does not update specific programmatic information.

I. General Description and Examples of State, Local, Tribal, and Territorial Human Rights Organizations and Programs

71. Update to paragraph 11. *Maryland Commission on Human Relations*. The Maryland Commission of Human Relations has changed its name to the Maryland Commission on Civil Rights.

72. Update to paragraph 14. *New Jersey Division on Civil Rights*. The names of the three bureaus in the New Jersey Division on Civil Rights have changed. The three bureaus are now the Enforcement Bureau, the Policy Bureau, and the Bureau of Public Outreach and Public Education. A New Jersey Commission on Civil Rights has also been formed to consult with and advise the Attorney General with respect to the work of the Division on Civil Rights. That division contains a Mediation Unit.

73. Update to paragraph 17. *Human Rights Division, North Dakota*. The Department in which the Human Rights Division sits has been re-named from the North Dakota Department of Labor to the North Dakota Department of Labor and Human Rights.

74. Update to paragraph 18. *Oklahoma Human Rights Commission*. The Oklahoma Human Rights Commission has been merged into the Office of the Oklahoma Attorney General, where duties relating to civil rights are performed by the Office of Civil Rights Enforcement.

75. Update to paragraph 40. *District of Columbia Commission on Human Rights*. The District of Columbia Commission on Human Rights now has 13 commissioners, who are nominated by the Mayor and confirmed by the City Council. Each is appointed to a three-year term without compensation.

76. Update to paragraph 43. *Muncie, Indiana Human Rights Commission*. Based on a City Ordinance enacted in April of 2015, the Muncie, Indiana Human Rights Commission's mission has been expanded to include not only race, color, ancestry, national origin, age, religion, and sex, but also sexual orientation, gender identity, disability, and U.S. military service veteran status.

77. Update to paragraph 44. *New York City Commission on Human Rights*. The New York City Commission on Human Rights is divided into two major bureaus: Law Enforcement, which is responsible for the intake, investigation, and prosecution of complaints; and Community Relations, which provides public education about applicable laws and helps cultivate understanding among the city's many diverse communities through borough-based Community Service Centers and numerous education and outreach programs.

II. Available Remedies and Prevention-related Activities

78. Update to paragraph 85. The Pennsylvania Human Relations Commission Interagency Task Force on Civil Tension is now called the Interagency Task Force on Community Activities and Relations. The Task Force is made up of the Pennsylvania Human Relations Commission, the Pennsylvania Attorney General's Office, and the Pennsylvania State Police, working in conjunction with other state and federal agencies, community organizations, advocacy groups, local government, and law enforcement agencies to quickly and appropriately address civil tension when conflicts occur, and to promote positive community relations among various groups in order to prevent tension. It meets every other month.

III. Networks

79. Update to paragraphs 105-112. *EEOC Networks*. As of September 2015, the EEOC operated 53 offices across the country, which worked closely with certain state, local, and U.S. territorial human rights commissions, termed "Fair Employment Practice Agencies" (FEPAs). The EEOC has contracts with more than 90 FEPAs to process more than 40,000 discrimination charges from those agencies annually, in addition to the approximately 89,000 charges it receives and processes directly. The EEOC holds an annual training conference specifically for FEPAs concerning pertinent employment discrimination issues.

Approximately 200 participants attend the national training conference, which has been held annually for more than 25 years. The EEOC conducts approximately 3,700 educational, training, and outreach events per year, reaching approximately 350,000 people.

80. Update to paragraph 114. *HUD Networks*. For Fiscal Year 2015, approximately 34% of the complaints filed at FHAP agencies were resolved informally through conciliation or resolution of parties, and FHAP agencies concluded that discrimination has occurred in approximately 6% of the complaints they received.

Table 1

Main International Human Rights Conventions and Protocols Listed in Appendix 2(A) of the Harmonized Reporting Guidelines and to Which the United States is Party

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
International Covenant on Civil and Political Rights	Ratified, June, 1992	<p>Reservations:</p> <p>(1) That Article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.</p> <p>(2) That the United States reserves the right, subject to its constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below 18 years of age.</p> <p>(3) That the United States considers itself bound by Article 7 to the extent that “cruel, inhuman or degrading treatment or punishment” means the cruel and unusual treatment or punishment prohibited by the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States.</p> <p>(4) That because U.S. law generally applies to an offender the penalty in force at the time the offence was committed, the United States does not adhere to the third clause of paragraph 1 of article 15.</p> <p>(5) That the policy and practice of the United States are generally in compliance with and supportive of the Covenant’s provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2 (b) and 3 of Article 10 and paragraph 4 of Article 14. The United States further reserves to these provisions with respect to individuals who volunteer for military service prior to age 18.</p> <p>Understandings:</p> <p>(1) That the Constitution and laws of the United States guarantee all persons equal protection of the law and provide extensive protections against discrimination. The United States understands distinctions based upon race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status – as those terms are used in article 2, paragraph 1 and article 26 – to be permitted when such distinctions are, at minimum, rationally related to a legitimate governmental objective. The United States further understands the prohibition in paragraph 1 of Article 4 upon discrimination, in time of public emergency, based “solely” on the status of race, colour, sex, language, religion or social origin not to bar distinctions that may have a disproportionate effect upon persons of a particular status.</p> <p>(2) That the United States understands the right to compensation referred to in Articles 9 (5) and 14 (6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law.</p> <p>(3) That the United States understands the reference to “exceptional circumstances” in paragraph 2</p> <p>(a) of Article 10 to permit the imprisonment of an accused person with convicted persons where appropriate in light of an individual's overall dangerousness, and to permit accused persons to waive their right to segregation from convicted persons. The United States further understands that paragraph 3 of Article 10 does not diminish the goals of punishment, deterrence, and incapacitation as additional legitimate purposes for a penitentiary system.</p> <p>(4) That the United States understands that subparagraphs 3 (b) and (d) of Article 14 do not require the provision of a criminal defendant’s counsel of choice when the defendant is provided with court-appointed counsel on grounds of indigence, when the defendant is financially able to retain alternative counsel, or when imprisonment is not imposed. The United States further understands that paragraph 3 (e) does not prohibit a requirement that the defendant make a showing that any witness whose attendance he seeks to compel is necessary for his defense. The United States understands the prohibition upon double jeopardy in paragraph 7 to apply only when the judgment of acquittal has been rendered by a court of the same governmental unit, whether the Federal Government or a constituent unit, as is seeking a new trial for the same cause.</p> <p>(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfilment of the Covenant.</p> <p>Declarations:</p> <p>(1) That the United States declares that the provisions of Articles 1 through 27 of the Covenant are not self-executing.</p> <p>(2) That it is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant.</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>For the United States, Article 5, paragraph 2, which provides that fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent, has particular relevance to Article 19, paragraph 3, which would permit certain restrictions on the freedom of expression. The United States declares that it will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations.</p> <p>(3) That the United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under Article 41 in which a State Party claims that another State Party is not fulfilling its obligations under the Covenant.</p> <p>(4) That the United States declares that the right referred to in Article 47 may be exercised only in accordance with international law.</p>
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified, October, 1994	<p>Reservations:</p> <p>(1) That the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.</p> <p>(2) That the Constitution and the laws of the United States establish extensive protections against discrimination, reaching significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in private conduct, however, are also recognized as among the fundamental values which shape our free and democratic society. The United States understands that the identification of the rights protected under the Convention by reference in Article 1 to the fields of “public life” reflects a similar distinction between spheres of public conduct that are customarily the subject of governmental regulation, and spheres of private conduct that are not. To the extent, however, that the Convention calls for a broader regulation of private conduct, the United States does not accept any obligation under this Convention to enact legislation or take other measures under paragraph (1) of Article 2, subparagraphs (1)(c) and (d) of Article 2, Article 3 and Article 5 with respect to private conduct except as mandated by the Constitution and laws of the United States.</p> <p>(3) That with reference to Article 22 of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.</p> <p>Understanding:</p> <p>That the United States understands that this Convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the state and local governments. To the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary,</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>take appropriate measures to ensure the fulfillment of this Convention.</p> <p>Declaration:</p> <p>That the United States declares that the provisions of the Convention are not self- executing.</p>
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified, October, 1994	<p>Reservations:</p> <p>(1) That the United States considers itself bound by the obligation under Article 16 to prevent “cruel, inhuman or degrading treatment or punishment,” only insofar as the term “cruel, inhuman or degrading treatment or punishment” means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.</p> <p>(2) That pursuant to Article 30(2) the United States declares that it does not consider itself bound by Article 30(1), but reserves the right specifically to agree to follow this or any other procedure for arbitration in a particular case.</p> <p>Understandings:</p> <p>(1) (a) That with reference to Article 1, the United States understands that, in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain or suffering and that mental pain or suffering refers to prolonged mental harm caused by or resulting from: (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.</p> <p>(b) That the United States understands that the definition of torture in Article 1 is intended to apply only to acts directed against persons in the offender’s custody or physical control.</p> <p>(c) That with reference to Article 1 of the Convention, the United States understands that “sanctions” includes judicially imposed sanctions and other enforcement actions authorized by United States law or by judicial interpretation of such law. Nonetheless, the United States understands that a State Party could not through its domestic sanctions defeat the object and purpose of the Convention to prohibit torture.</p> <p>(d) That with reference to Article 1 of the Convention, the United States understands that the term “acquiescence” requires that the public official, prior to the activity constituting torture, have awareness of such activity and thereafter breach his legal responsibility to intervene to prevent such activity.</p> <p>(e) That with reference to Article 1 of the Convention, the United States understands that noncompliance with applicable legal procedural standards does not <i>per se</i> constitute torture.</p> <p>(2) That the United States understands the phrase, “where there are substantial grounds for believing that he would be in</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>danger of being subjected to torture,” as used in Article 3 of the Convention, to mean “if it is more likely than not that he would be tortured.”</p> <p>(3) That it is the understanding of the United States that Article 14 requires a State Party to provide a private right of action for damages only for acts of torture committed in territory under the jurisdiction of that State Party.</p> <p>(4) That the United States understands that international law does not prohibit the death penalty, and does not consider this Convention to restrict or prohibit the United States from applying the death penalty consistent with the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States, including any constitutional period of confinement prior to the imposition of the death penalty.</p> <p>(5) That the United States understands that this Convention shall be implemented by the United States Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered by the Convention and otherwise by the state and local governments. Accordingly, in implementing Articles 10-14 and 16, the United States Government shall take measures appropriate to the Federal system to the end that the competent authorities of the constituent units of the United States of America may take appropriate measures for the fulfillment of the Convention.</p> <p>Declarations:</p> <p>(1) That the United States declares that the provisions of Articles 1 through 16 of the Convention are not self-executing.</p> <p>(2) That the United States declares, pursuant to Article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention. It is the understanding of the United States that, pursuant to the above mentioned article, such communications shall be accepted and processed only if they come from a State Party which has made a similar declaration.</p>
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Ratified, December 2002	<p>Declaration:</p> <p>The Government of the United States of America declares, pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that -</p> <p>(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;</p> <p>(B) The United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505 (a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and</p> <p>(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.</p> <p>Understandings:</p> <p>(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.- The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.</p> <p>(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES. The United States understands that, with respect to Article 1 of the Protocol -</p> <p>(A) the term “feasible measures” means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;</p> <p>(B) the phrase “direct part in hostilities”-</p> <p>(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and</p> <p>(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and</p> <p>(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.</p> <p>(3) MINIMUM AGE FOR VOLUNTARY RECRUITMENT.- The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.</p> <p>(4) ARMED GROUPS.- The United States understands that the term “armed groups” in Article 4 of the Protocol means nongovernmental armed groups such as rebel</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		groups, dissident armed forces, and other insurgent groups.
		(5) NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.- The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography	Ratified, December 2002	<p>Reservation:</p> <p>To the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3 (1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4 (1) of the Protocol.</p> <p>Understandings:</p> <p>(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.- The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.</p> <p>(2) THE TERM “CHILD PORNOGRAPHY”. -The United States understands that the term “sale of children” as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.</p> <p>(3) THE TERM “CHILD PORNOGRAPHY”.-The United States understands the term “child pornography”, as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.</p> <p>(4) THE TERM “TRANSFER OF ORGANS FOR PROFIT”.-The United States understands that- (A) the term “transfer of organs for profit”, as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and</p> <p>(B) the term “profit”, as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.</p> <p>(5) THE TERMS “APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS” AND “IMPROPERLY INDUCING CONSENT”.-</p> <p>(A) UNDERSTANDING OF “APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS”.-The United States understands that the term “applicable international legal instruments” in Articles 3 (1)</p>

<i>Convention</i>	<i>Status</i>	<i>Reservation/Declaration/Understanding</i>
		<p>(a) (ii) and 3 (5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as “The Hague Convention”).</p> <p>(B) NO OBLIGATION TO TAKE CERTAIN ACTION.- The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.</p> <p>(C) UNDERSTANDING OF “IMPROPERLY INDUCING CONSENT”.-The United States understands that the term “Improperly inducing consent” in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.</p> <p>(6) IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.-The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall as necessary, take appropriate measures to ensure the fulfillment of the Protocol.</p>