



United States of America



Introduction

The United States of America, or the USA, is a federation of 50 states comprising 13 original colonies. It is a federation with a presidential system, meaning that whilst each state has its own legislative powers and representation in Congress, the legislative branch of the United States, the President remains the executive and Head of State.¹ The government resides in the capital, Washington D.C., which although is not a state, operates within the District of Columbia and functions as a state with over 500 federal laws²

1. "About the United States | USAGov" (Usa.gov2020) <<https://www.usa.gov/about-the-us>> accessed December 7, 2021.

2. "FAQ | Statehood" (Dc.gov2021) <<https://statehood.dc.gov/page/faq>> accessed December 7, 2021.

History

When Christopher Columbus landed in the USA in 1492, there were approximately 1.5 million American Indians or Native Americans inhabiting the land.³ What is now called the United States of America was originally an English colony, renamed by the colonialists as “The New World”. This led to the founding of the American colonies after many fled England during a period of religious persecution.⁴ After Britain's victory in the Great War, taxes in the British colonies became the highest of all colonial powers. The colonies felt highly underrepresented in the British parliament, and thus the famous saying “No taxation without representation!” became a slogan throughout many protests in the colonies; a specifically important protest was in Boston, where the Americans threw almost 400 chests of tea from the British East India Company into the harbour, which was a precursor to the revolution.⁵ A combination of increasing unity between the colonies and increasing anger towards the colonists finally led to the American Revolution in 1765 until 1791, which resulted in the USA declaring independence in 1776⁶ The newly independent USA signed their Constitution in 1787 which would not become binding until 9 of the 13 states at the time ratified it; the 13th completed ratification in 1789. In the following years, the first 12 Amendments, also known as the Bill of Rights were installed, with well known amendments such as the freedoms of religion, speech, press and assembly, right to bear arms, and right to fair trial . In 1789, the first U.S. President, George Washington, took his oath of office.⁷ Divisions between the Northern States and the Southern States persisted and eventually led to the American Civil War between the federalist Northern states and the Confederacies Southern states between 1861 and 1865⁸The federalist Northern states claimed victory and the benchmark abolition of slavery is one of many imminent results of this victory⁹

The United States of America proceeded to have 46 presidencies, each serving a term of 4 years, and over time the USA slowly gained power as one of the world's leading states both internationally as well as domestically, despite oftentimes attracting controversy in their domestic and international actions. Many important markers of history such as the bombing of Hiroshima and Nagasaki in 1945, the Cold War from 1946 to 1991, the first moon landing in 1969, the 9/11 terrorist attacks in 2001 and the Iraq War of 2003 have defined the United States and made its mark on the world.

3. “United States - History | Britannica,” Encyclopædia Britannica (2021) <<https://www.britannica.com/place/United-States/History>> accessed December 7, 2021.

4. “United States - History | Britannica,” Encyclopædia Britannica (2021) <<https://www.britannica.com/place/United-States/History>> accessed December 7, 2021.

5. “United States - History | Britannica,” Encyclopædia Britannica (2021) <<https://www.britannica.com/place/United-States/History>> accessed December 7, 2021.

6. “United States - the Native American Response | Britannica,” Encyclopædia Britannica (2021) <<https://www.britannica.com/place/United-States/The-Native-American-response#ref77699>> accessed December 7, 2021.

7. “George Washington | the White House” (The White House January 15, 2021) <<https://www.whitehouse.gov/about-the-white-house/presidents/george-washington/>> accessed December 7, 2021.

8. “American Civil War - New World Encyclopedia” (Newworldencyclopedia.org2015) <https://www.newworldencyclopedia.org/entry/American_Civil_War> accessed December 7, 2021.

9. “American Civil War - New World Encyclopedia” (Newworldencyclopedia.org2015) <https://www.newworldencyclopedia.org/entry/American_Civil_War> accessed December 7, 2021.

Society and Demographic

The United States has a rich history of immigration and is thus a multi-racial, multicultural 'melting pot' as it used to be referred to. As of 2020, the majority (59.7%) of the population is white, with the second-largest percentage being Hispanics at 18.7%, followed by African Americans at 12.5%; the remainder of the population makes up 9%. Furthermore, there are currently 574 Native American groups officially recognized in the United States¹⁰ The white population of the United States has a large variety of different roots from different areas of Europe due to settlers and migration in the early 1900s. This includes migrants from Ireland, England, The Netherlands, Italy, Greece, Germany, and many others.¹¹ accessed December 7, 2021.

The United States also has a long history of discrimination due to its vast amount of migrants and differing views and morals between the North and the South. One of the most prominent and memorable periods of discrimination was the segregation of African Americans through the 1900s, which kickstarted a mass of political movements for racial equality between White Americans and African Americans,¹² one of the most prominent figures being Martin Luther King. There is also a vast history of discrimination against Native Americans including the creation of reservations to preserve the land for European-American settlers¹³

Additionally, there is a wide spectrum with regards to socio-economic inequalities in the USA. The Gini coefficient of gross income inequality is higher for the US than for any other G7 country¹⁴ Since 2018, the top 10% of earners in the US earn 12.6 times more than the bottom 10% of earners. A large amount of disparities in wealth can also be seen between the different races with white families having 15% more wealth than black families in the US¹⁵

10. Iman Ghosh, "Visualizing the U.S. Population by Race" (Visual Capitalist December 28, 2020) <<https://www.visualcapitalist.com/visualizing-u-s-population-by-race/>> accessed December 7, 2021.

11. Jeanne Batalova, "European Immigrants in the United States" (migrationpolicy.org July 31, 2018) <<https://www.migrationpolicy.org/article/european-immigrants-united-states-2016>>

12. "United States - History | Britannica," Encyclopædia Britannica (2021) <<https://www.britannica.com/place/United-States/History>> accessed December 7, 2021.

13. "U.S. Data and Statistics | USAGov" (Usa.gov 2020) <<https://www.usa.gov/statistics>> accessed December 7, 2021.

14. "1. Trends in Income and Wealth Inequality" (Pew Research Center's Social & Demographic Trends Project January 9, 2020) <<https://www.pewresearch.org/social-trends/2020/01/09/trends-in-income-and-wealth-inequality/>> accessed December 7, 2021.

15. "1. Trends in Income and Wealth Inequality" (Pew Research Center's Social & Demographic Trends Project January 9, 2020) <<https://www.pewresearch.org/social-trends/2020/01/09/trends-in-income-and-wealth-inequality/>> accessed December 7, 2021.

Review of the Human Rights Situation - September 2021

Women's Health and Reproductive Rights

On September 1st, Texas passed the controversial Heartbeat Act, which explicitly bans abortions from the moment a fetal heartbeat is detected, which is usually around 6 weeks. This law does not exempt rape victims or incest victims. Furthermore, there is a large penalty of \$10,000 for any violations of this law as well as the rights of individuals to sue doctors who conduct abortions past 6 weeks. This was then passed by a 5-4 vote in the Supreme Court, unexpectedly as many thought it would not pass.¹⁶

The passing of the Heartbeat Act can be seen as a clear deviation from the precedence set by *Roe v Wade* in 1973, which was a landmark case that ruled that the US Constitution supports women's rights to an abortion.¹⁷ The passing of the Heartbeat Act has resulted in many protests by pro-choice groups and suggestions of making the precedent set by *Roe v Wade* into federal law.

Migration

Thousands in Del Rio, Texas were held under a bridge after a surge of migrants, mostly Haitian, crossed the border and were said to "overwhelm authorities".¹⁸ Approximately 9,000 people were held under the bridge as a temporary holding area until they could process everyone and begin the asylum-seeking procedures. The conditions in this temporary camp were said to be dire, with people sleeping on the dirt ground and sanitation deteriorating quickly, as well as a lack of access to running water with migrants forced to bathe in the river¹⁹

Texas' governor, Greg Abbot ordered the National Guard to assist border guards upon claiming that the federal government has not stepped up enough to combat this migrant crisis and has instructed state law enforcement services to arrest migrants on the grounds of trespassing as a deterrent to other migrants²⁰

16. "September 2021 Current Events: US News" (InfoPleaseSeptember 4, 2021) <<https://www.infoplease.com/current-events/2021/september-us-news#Controversial%20Texas%20Abortion%20Ban>> accessed December 7, 2021.

17. "Roe v. Wade, 410 U.S. 113 (1973)" (Justia Law2021) <<https://supreme.justia.com/cases/federal/us/410/113/>> accessed December 7, 2021.

18. "Thousands of Migrants Huddle in Squalid Conditions under Texas Bridge" The New York Times (2021) <<https://www.nytimes.com/2021/09/16/us/texas-migrants-del-rio.html>> accessed December 7,

19. "Thousands of Migrants Huddle in Squalid Conditions under Texas Bridge" The New York Times (2021) <<https://www.nytimes.com/2021/09/16/us/texas-migrants-del-rio.html>> accessed December 7,

20. "Thousands of Migrants Huddle in Squalid Conditions under Texas Bridge" The New York Times (2021) <<https://www.nytimes.com/2021/09/16/us/texas-migrants-del-rio.html>> accessed December 7,

COVID-19 Vaccine Mandate

A vaccine mandate stating that all US companies containing more than 100 employees must either be fully vaccinated or conduct weekly tests has caused a stir with the unvaccinated population in the United States. President Joe Biden made a speech in which he addressed those who have opted not to get the vaccine asking “what more do you need to see?”²¹ This mandate has caused a divide among the population as well as among the local state governments themselves with the federal government. For example, only 46% of Republican voters in states such as Texas, North Dakota and others are vaccinated²²

Whilst most businesses, especially large-scale ones such as McDonald's, already have certain vaccination or weekly testing rules in place, many smaller businesses are worried that this is unfair due to the weekly costs of testing and the lack of the will of their employees to either get vaccinated or to get tested regularly.²³

Four US Air Force officers challenged the mandate legally by claiming that the vaccine mandate goes against the First and Fifth Amendments of the US Constitution, namely the Free Exercise clause and the equal protection component respectively. The lawsuit calls the President “unlawful, coercive and manipulative”. Furthermore, Republican attorney generals from 24 states have also contested this mandate on the grounds that it “threatens individual liberty”²⁴

21. “Remarks by President Biden on Fighting the COVID-19 Pandemic | the White House” (The White House September 10, 2021) <<https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/09/09/remarks-by-president-biden-on-fighting-the-covid-19-pandemic-3/>> accessed December 7, 2021..

22. Owen Dyer, “Covid-19: US Imposes Mandatory Vaccination on Two Thirds of Workforce” [2021] BMJ <<https://www.bmj.com/content/374/bmj.n2238>> accessed December 7, 2021.

23. Owen Dyer, “Covid-19: US Imposes Mandatory Vaccination on Two Thirds of Workforce” [2021] BMJ <> accessed December 7, 2021.

24. Jon Brodtkin, “Biden Sued by Air Force Officers Who Compare Vaccine Rule to Death Sentence” (Ars Technica October 2021) <<https://arstechnica.com/tech-policy/2021/10/biden-sued-by-air-force-officers-who-compare-vaccine-rule-to-death-sentence/>> accessed December 7, 2021.

Review of the Human Rights Situation - October 2021

Rejoining the United Nations Human Rights Council

On the 14th of October, the United Nations Human Rights Council (UNHCR) re-elected the United States to join the Council after former President Trump withdrew over three years ago.²⁵

Why did President Trump withdraw from the UNHCR?

The United States withdrew on June 15th 2018 from the UNHCR as a form of protest against the position of the UNHCR on the treatment of Palestinians by the Israeli government.²⁶ This was an unprecedented move as it was the first time the United States left a UN body²⁷

The United States' ambassador at the time, Nikki Haley, referred to the UNHCR as "a protector of human rights abusers, and a cesspool of political bias".²⁸ She even went a step further to claim that the United States' commitment to human rights is the reason why they would refuse to "remain a part of a hypocritical and self-serving organization that makes a mockery of human rights".²⁹

How did the rest of the world react?

Antonio Guterres, the United Nations Secretary General, did not make a large statement on the withdrawal, and instead simply stated via a spokeswoman that he would have preferred that the United States remained in the UNHCR, as well as re-emphasizing the importance of the Council³⁰ Furthermore, the United Nations High Commissioner for Human Rights at the time, Zeid Ra'ad al-Hussein called the withdrawal "disappointing, if not really surprising" news³¹

Furthermore, many human rights activists and groups also massively criticized the move. For example, Human Rights Watch called President Trump's human rights policy "one-dimensional"³²

25. Nichols, M, 'U.S. elected back to U.N. Human Rights Council that Trump quit' (Reuters) <<https://www.reuters.com/world/us/us-elected-back-un-human-rights-council-after-trump-era-2021-10-14/>> accessed on 07.12.2021

26. Trump Administration Withdraws U.S. From U.N. Human Rights Council` (NY Times) <<https://www.nytimes.com/2018/06/19/us/politics/trump-israel-palestinians-human-rights.html>> accessed on 07.12.2021

27. Trump Administration Withdraws U.S. From U.N. Human Rights Council` (NY Times) <<https://www.nytimes.com/2018/06/19/us/politics/trump-israel-palestinians-human-rights.html>> accessed on 07.12.2021

28. Remarks on the UN Human Rights Council. U.S. Mission to International Organizations in Geneva` (US Mission Geneva) <<https://geneva.usmission.gov/2018/06/21/remarks-on-the-un-human-rights-council/>> accessed on 07.12.2021

29. Remarks on the UN Human Rights Council. U.S. Mission to International Organizations in Geneva` (US Mission Geneva) <<https://geneva.usmission.gov/2018/06/21/remarks-on-the-un-human-rights-council/>> accessed on 07.12.2021

30. Trump Administration Withdraws U.S. From U.N. Human Rights Council` (NY Times) <<https://www.nytimes.com/2018/06/19/us/politics/trump-israel-palestinians-human-rights.html>> accessed on 07.12.2021

31. US quits "biased" UN human rights council` (BBC News) <<https://www.bbc.com/news/44537372>> accessed on 07.12.2021

32. US quits "biased" UN human rights council` (BBC News) <<https://www.bbc.com/news/44537372>> accessed on 07.12.2021

The Return

The Biden administration pledged to maintain human rights as the center of their foreign policy, and rejoining the UNHCR is a step in the right direction.³³ However, clearly partisanship in the United States still prevails as Republican Senators, such as Jim Risch, criticized the decision and still calls the UNHCR “flawed”.³⁴

However, it is clear that not all member states are convinced by the United States' pledges and return to the UNHCR as the US received the second lowest number of votes.³⁵

In the commitments to the United Nations, the US committed to a variety of pledges to serve and advance the human rights support system in the UN.³⁶ One of these includes a commitment to serve as a fair and reliable partner within the United Nations system. In addition to this, the United States has committed to meeting its treaty obligations and participating in dialogue with bodies³⁷

33. Nichols, M, 'U.S. elected back to U.N. Human Rights Council that Trump quit' (Reuters) <<https://www.reuters.com/world/us/us-elected-back-un-human-rights-council-after-trump-era-2021-10-14/>> accessed on 07.12.2021

34. Nichols, M, 'U.S. elected back to U.N. Human Rights Council that Trump quit' (Reuters) <<https://www.reuters.com/world/us/us-elected-back-un-human-rights-council-after-trump-era-2021-10-14/>> accessed on 07.12.2021

35. Nichols, M, 'U.S. elected back to U.N. Human Rights Council that Trump quit' (Reuters) <<https://www.reuters.com/world/us/us-elected-back-un-human-rights-council-after-trump-era-2021-10-14/>> accessed on 07.12.2021

36. UNGA 'Note verbale dated 27 September 2021 from the Permanent Mission of the United States to the United Nations addressed to the President of the General Assembly' (27 September 2021) UNGA 76th Session UN Doc (A/76/353)

37. UNGA 'Note verbale dated 27 September 2021 from the Permanent Mission of the United States to the United Nations addressed to the President of the General Assembly' (27 September 2021) UNGA 76th Session UN Doc (A/76/353)

Conclusion

Therefore, this can be seen as a step from the Biden administration into fixing the human rights faults that the Trump administration left, and also diplomatic relations between the United States and international organizations that were wounded by the Trump administration.

Review of the Human Rights Situation - November 2021

Immigration:

The U.S state of Texas is currently being criticized for human rights violations occurring at the US-Mexico border. Operation Lone Star, officially initiated by Texas Governor Greg Abbot is based on a xenophobic narrative, associating migrants with insecurity and crime.³⁸ The goal of the operation is to confront the “crisis at the southern border” caused through migration.³⁹ Thousand members of the Texas state police, and the Texas National Guard, a part of the US military reserve have been deployed to arrest suspected migrants based on state misdemeanor offences. Since the operation has been launched in March 2021, more than 1.500 migrants have become victims to abusive law enforcement officials deterring and detaining migrants while abusing due process rights and undermining criminal legal system reforms.⁴⁰

The operation is draining the resources of the court systems between El Paso and Laredo, where mostly the small county courts are bombarded with high numbers of cases. Val Verde County Attorney David Martinez explained to the Texas House Criminal Jurisprudence Committee in October that over a two-and-half month period, a total of 231 case reports consisting of criminal trespass charges have been filed, from which 123 cases had to be rejected or dismissed.⁴¹ The reason for such a high number of rejections is the fact, that no legal basis, strong enough to convict the immigrants on any ground is given, due to the high numbers of times on which immigrants are being arrested on false allegations relating to forced trespassing violations.⁴²

The deployment of 2.500 members of the Texas National Guard poses a great threat to the legitimacy of law and order when it comes to enforcement of immigration laws.⁴³ Under the federal law of Texas, neither the National Guard nor the state police officers are authorized by law to enforce federal immigration laws. Such authority is given to the Department of Homeland Security, authorized to engage in immigration enforcement actions, repatriation, and apprehension in cases where violation or failure to comply with U.S immigration laws has occurred and is given as a legal basis for action required.⁴⁴

38. <https://www.texasmonthly.com/news-politics/operation-lone-star-kinney-county/>

39. <https://www.hrw.org/news/2021/11/22/us-texas-targeting-migrants>

40. <https://justfutureslaw.org/wp-content/uploads/2021/08/Operation-Lone-Star-Fact-Sheet.pdf>

41. <https://eu.caller.com/story/news/local/texas/state-bureau/2021/11/05/why-many-immigrants-arrested-operation-lone-star-being-released/6232584001/>

42. <https://www.texastribune.org/2021/10/05/texas-migrants-arrest-charges-dropped/>

43. <https://eu.caller.com/story/news/local/texas/state-bureau/2021/11/05/why-many-immigrants-arrested-operation-lone-star-being-released/6232584001/>

44. <https://www.dhs.gov/immigration-statistics/enforcement-actions>

Human Rights activists are now trying to raise their voices against Operation Lone Star, merely designed to further criminalize immigrant communities by systematically arresting and detaining the latter on fabricated charges that fail to match the legal threshold.⁴⁵

Thus, Operation Lone Star creates a safe haven for the practice of unlawful activities by law enforcement and by the government, causing a distortion of law and order in the areas surrounding the US-Mexico border and a violation of fundamental human rights.

Society: Texas anti-abortion law continues

45. <https://www.hrw.org/news/2021/11/22/us-texas-targeting-migrants>

Women's Reproductive Rights

The state of Mississippi is requesting the US Supreme Court to approve the local legislature's judgement that abortions after 15 weeks should not be allowed. Overall, Mississippi with their current six-week ban, which has been blocked by lower courts and this current legislation, is attempting to convince the Supreme Court to overturn *Roe v Wade*.⁴⁶

The state's governors argue that due to physiological changes through 15 weeks, there are higher risks for the mother. However, the only abortion clinic in Mississippi is counterarguing that this is not the case as fetal viability is not possible within that time frame.⁴⁷ Also, it should be noted that only one abortion clinic in a state with almost 3 million people, of which 51.9% of that population is female seems highly disproportionate⁴⁸

In the state's argumentation for the Supreme Court, the State argues that there is practically no support for the right to abortion in any official or unofficial structure, "nothing in constitutional text, structure, history or tradition supports a right to abortion" being the argument of the state to the court.⁴⁹ The Court will likely pass judgment on this case in the Spring of 2022.

Related to the Mississippi challenge, Texas citizens are also affected by the ban on abortion after six months of carriage. Later this year, the Texas Supreme Court has ruled to block the Texas law prohibiting most abortions, making it the most restrictive abortion measure in the entire nation.⁵⁰ The confusion is great in Texas, because of the fear that restriction of abortion would set an example for other states to follow the same approach as Texas and that women will be deprived of their reproductive autonomy and sexual and reproductive rights.⁵¹

Texas is disregarding the U.S Supreme Court's landmark decision in *Roe v. Wade* (1973), ruling that the Constitution of the United States of America protects a woman's liberty to decide to have an abortion without government restriction.⁵² The Court further explained that a set of Texas legislation criminalizing abortions infringes upon a woman's right of privacy.⁵³ Furthermore, the Court found that this right is implicitly guaranteed of the due process clause of the fourteenth amendment.⁵⁴

46. Robert Barnes, "Future of Abortion Rights at Stake as Supreme Court Considers Mississippi Case" (Washington Post November 30, 2021) <> accessed December 10, 2021.

47. "What to Know about the Mississippi Abortion Law Challenging *Roe v. Wade*" The New York Times (2021) <<https://www.nytimes.com/article/mississippi-abortion-law.html>> accessed December 10, 2021.

48. "QuickFacts: Mississippi" (Census Bureau QuickFacts2019) <> accessed December 10, 2021.

49. Robert Barnes, "Future of Abortion Rights at Stake as Supreme Court Considers Mississippi Case" (Washington Post November 30, 2021) 50. 50. <https://www.washingtonpost.com/politics/courts_law/mississippi-abortion-law-supreme-court/2021/11/30/0e627294-515d-11ec-8927-c396fa861a71_story.html> accessed December 10, 2021.

50. <https://www.amnesty.org/en/latest/press-release/2021/09/usa-federal-and-state-lawmakers-must-protect-access-to-abortion-after-extreme-ban-in-texas/>

51. <https://www.latimes.com/opinion/story/2021-12-09/abortion-supreme-court-congress-filibuster>

52. *Wade*, 410 U.S. 113 (1973)

53. <https://www.law.cornell.edu/supremecourt/text/410/113>

54. <https://www.britannica.com/topic/Fourteenth-Amendment>

Review of the Human Rights Situation - December 2021

Migration:

U.S. deports and abuses Haitians - Will it stop?

Haitian migrants had done well for themselves, since they had homes, cars, stable jobs and a stable life. But with the dream of a better life in a country where the president has protected Haitians from deportation, many have left everything behind to head north for a brighter future.

Sad truth is: upon arrival at the U.S. border, the state authorities detained groups of Haitian migrants in a small border town of Del Rio, Texas, without any warning. Under false promises of being relocated to another commune within the U.S., the migrants have been deported back to Haiti instead.⁵⁵ Some migrants reported that they were told to be released, or relocated to Florida, but have been packed on a plane with the destination being Port-au-Prince, Haiti. A large number of migrants that became victims of this sad reality were found to have had their hands and ankles cuffed after protesting against the devastating reality they became part of.⁵⁶

The U.S. border authorities were under explicit order to immediately remove migrants, striving for a better life and to deny them any access to judicial mechanisms and legal aid.

Haitian authorities are expecting around 14.000 migrants to arrive on their territory due to the deportation campaign launched by the U.S. governmental initiative.⁵⁷

The U.S. finds itself in the midst of critique as they are disregarding the devastating human rights and humanitarian crisis in Haiti by violating their legal obligations to provide for individual assessments of claims of asylum seekers to not be set back on grounds expected persecution or torture.⁵⁸

Haitian nationals have left US deportation flights injured, sick, hungry and disoriented merely to find themselves back in a country that has to fight against the humanitarian nightmare since the assassination of former President Jovenel Moïse.⁵⁹ Haiti is currently on the brink of collapse after having experienced a disastrous earthquake, widespread gang violence and a high risk of Covid-19 which is circulating around the country.⁶⁰

55. Agnes Callamard, '20 Years on, Biden must close Guantánamo once and for all' (Al-Jazeera) <<https://www.aljazeera.com/opinions/2022/1/11/20-years-on-biden-must-close-guantanamo-once-and-for-all>> accessed on 12.01.2022

56. ibid

57. 'Americans treated us like animals. Then they deported us to Haiti' (The Economist) <<https://www.economist.com/1843/2021/12/09/americans-treated-us-like-animals-then-they-deported-us-to-haiti>> accessed on 10.01.2022

58. Agnes Callamard, '20 Years on, Biden must close Guantánamo once and for all' (Al-Jazeera) <<https://www.aljazeera.com/opinions/2022/1/11/20-years-on-biden-must-close-guantanamo-once-and-for-all>> accessed on 12.01.2022

59. 'Haiti's President Assassinated in Nighttime Raid, Shaking a Fragile Nation' (NYT) <<https://www.nytimes.com/2021/07/07/world/americas/haiti-president-assassinated-killed.html>> accessed on 10.01.2022

60. 'Haiti: The US must stop deportations and abuse against Haitians' (AmnestyInt) <<https://www.amnesty.org/en/latest/news/2021/12/haiti-us-must-stop-deportations-abuse-against-haitians/>> accessed on 09.01.2022

Another human rights issue arose together with the outbreak of Covid-19 around the globe. The United States of America have long guaranteed protection for asylum seekers that arrive at the southern border of the U.S. but since March 2020, that right has been suspended.⁶¹ These border expulsions are based on a small provision within the U.S. health law, section 265 of title 42 and had been invoked by the former Trump administration with the goal of shutting the borders down.

The Biden administration continued using such provision and since then, more than 1.2 million border expulsions have been carried out since the adoption of said piece of legislation.⁶² The Centers for Disease Control (CDC) and Prevention's claimed that these measures were necessary to protect the country from a public health point of view, but reporting has shown that the origin of the Title 42 provision came from the U.S. Department of Homeland Security in conjunction with the Trump White House.⁶³

International human rights experts outside of the CDC argued that there cannot be a need to turn refugees away and deport them to their place of origin while travelers and tourists can enjoy the freedoms of traveling the country again.⁶⁴

Going back to the fate of Haitian asylum seekers, the title 42 expulsion clause has contributed to a heated climate at the southern borders, an increase in police brutality, xenophobia, racism and discrimination practiced by border authorities.

61. 'A Guide to Title 42 Expulsions at the Border' (AIC) <<https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>> accessed on 03.01.2022

62. Harold Isaac 'Haiti Protests Mass U.S. Deportation of Migrants to Country in Crisis' (NYT) <<https://www.nytimes.com/2021/09/19/world/americas/us-haitian-deportation.html>> accessed on 09.01.2022

63. 'Key Biden allies express outrage over Border Patrol's treatment of Haitian migrants' (NYT) <<https://www.nytimes.com/live/2021/09/21/us/politics-news#biden-haiti-democrats-naacp>> accessed on 13.01.2022

64. 'Epidemiologists and Public Health Experts Implore Biden Administration to End Title 42 and Restart Asylum' (Columbia) <<https://www.publichealth.columbia.edu/research/program-forced-migration-and-health/press-release-epidemiologists-and-public-health-experts-implore-biden-administration-end-title-42>> accessed on 03.01.2022

Human rights abuses at Guantánamo prison - U.S. disregarding need to shut it down

20 year after Guantánamo opened its prison cells in response to the September 11 attacks on the World Trade Center, more than 780 Muslim men and boys were detained under devastating conditions.⁶⁵ Guantánamo has been operating for more than 20 years, meaning that four presidential administrations failed to end the sad reality that prisoners are facing on the territory of the U.S. Naval Base. Now, in 2022, many protestors want to raise their voices to spread awareness about the ongoing cruelties that are happening in the US-run prisons.⁶⁶

The main reason for a call to shut down Guantánamo is that inhumane and cruel practices of torture are applied to all prisoners, supported by the U.S. allies on the so called “war on terror”. The U.S. authorities enforce such measures to combat terror, which is uncanny seeing as detainees have been held without a chance of being heard.⁶⁷ According to public information many detainees, previous to their detention, have been brutally tortured, abducted or disappeared in secretly operating prisons.

Few numbers of suspects have been charged with crimes, yet many have been kept in prison without any charges, a reasonable fair and unbiased trial and access to legal representation.

Military commissions have been created with the aim to successfully try and convict the perhaps “enemies of the state” by denying access to critical evidence, impartial arbiters to overlook the fairness of the proceedings and the chance to bring defendants before the tribunal.⁶⁸

Instead of shutting Guantánamo down, the Biden administration disclosed information to erect new courtrooms on the island in order to further the operation by the military commissions.⁶⁹

In civil cases, the European Court of Human Rights has ruled against Poland, Romania, Macedonia, Italy and Lithuania. Reason for the judgements were the complicity to enforced disappearances and instances of torture of individuals standing in connection with US secret abduction and torture programmes.⁷⁰ Although the ECtHR has brought impact on supporters

of arbitrariness and violators of globally recognized human rights within the European Union, the U.S. ricochets any calls for its government’s accountability for the rendition programmes until today.

Until today : more than 37 men are left in Guantánamo, of which thirteen are stamped with indefinite detention, twelve men facing charges by the military tribunal and another twelve are in between both options.⁷¹ If the U.S. does not take a course of change in their actions and correct their violations of international human rights law, Guantánamo Bay will remain a safe haven for cruelty and lawlessness.

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66. *ibid*

67. David J. R. Franks, ‘APPLYING INTERNATIONAL FAIR TRIAL STANDARDS TO THE MILITARY COMMISSIONS OF GUANTANAMO’ <https://law.siu.edu/_common/documents/law-journal/articles-2013/9%20-%20Frakt%20Article.pdf> accessed on 10.01.2022

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US Authorities attempting to extradite WikiLeaks founder

In early December the US authorities won their bid to overturn a British judge's ruling stating that the WikiLeaks founder Julian Assange should not be extradited, which would allow for him to face charges in the USA due to assurances given regarding his treatment.⁷² In April 2010, WikiLeaks released footage which conveyed US soldiers killing Iraqi civilians.⁷³ Assange has 17 charges filed against him for violating the Espionage Act for publicizing classified documents related to the 2010 incident.⁷⁴

The lawyers of Assange stated they would appeal the decision based on issues such as free speech and the political motivation of the US extradition request, however this has not yet been heard by an appeal court.⁷⁵

This is thus a question, due to the journalistic profession of Julian Assange, of whether the media has the full freedom of press or whether the Espionage Act does limit the power of the press.

The Espionage Act of 1917 was passed after the US' entrance into World War I and aims to tackle "acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes"⁷⁶

72. Laura Smith-Spark, "Stella Moris, Partner of WikiLeaks Founder Julian Assange, Arrives at the Royal Courts of Justice in London on December 10, 2021." (CNN December 10, 2021) <<https://edition.cnn.com/2021/12/10/europe/julian-assange-extradition-appeal-ruling-intl/index.html>> accessed January 16, 2022.

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