

## Agenda

### Civil Society Consultation for the U.S. Universal Periodic Review: Washington, DC

April 30, 2010

#### Welcome and Introductory Remarks

*Leonard A. Leo, The Federalist Society*

#### Presentation I: Reproductive Health Services/Family Planning

*Nicholas Eberstadt, American Enterprise Institute for Public Policy Research; Terrence McKeegan, Catholic Family and Human Rights Institute; Dr. Donna Harrison, American Association of Pro-Life Obstetricians and Gynecologists*

#### Presentation II: Domestic Application of Human Rights Treaty Obligations

*Brett Schaefer, Heritage Foundation; Roger Pilon, CATO Institute, Michael P. Farris, Home School Legal Defense Association*

#### Presentation III: Voting and Elections

*Hans von Spakovsky, Heritage Foundation*

#### Presentation IV: Religious Liberty

*L. Bennett Graham, Becket Fund for Religious Liberty*

#### Presentation V: Child Sex Trafficking

*Patrick A. Trueman*

#### Additional Remarks

*David Rivkin*

#### Concluding Remarks

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**Two federal agencies participated in this UPR Session:** the Department of State and the Department of Justice were represented.

- **Presentation I: Reproductive Health Services/Family Planning**

The presenter expressed concern about what he described as a global war against baby girls, manifested by sex-based abortions. The speaker asserted that parental gender preferences, the widespread availability of prenatal technology to determine the gender of the fetus, and the availability of abortion have all contributed to what he called gendercide. He stated that this trend is visible in the United States within certain ethnic groups.

After asserting the right to life of the unborn child has not been protected since the U.S. Supreme Court's *Roe v. Wade* decision, the second presenter stated there has been a targeting of minorities by non-profit family planning organizations. This presenter also expressed concern that prenatal screening was being used by people as a factor in deciding whether to terminate a pregnancy. He concluded by stating concerns that because the United States interprets family planning as including abortion, it is exporting abortion via foreign policy.

The third presenter stated two main concerns: first, the lack of conscience protections for health care providers (i.e., rules that allow health care providers not to provide certain types of medical care if they have a "conscience" objection), and second, the promotion of abortion legalization under the guise of the fifth Millennium Development Goal. The presenter argued that health care providers should be prohibited by their Hippocratic Oath from performing abortions. She asserted that policies that advance global abortion legalization violate the right to life of the unborn child and the right to bodily integrity and adequate healthcare of women. She concluded by making several recommendations. First, she called on the Administration to offer vigorous conscience protections for all health care providers. Second, she requested that the Administration honor its commitment to the fifth Millennium Development Goal by funding skilled birth attendance, adequate delivery facilities, and the promotion of female literacy.

Participants also asserted that there was insufficient enforcement of the Born-Alive Infants Protection Act.

- **Presentation II: Domestic Application of Human Rights Treaty Obligations**

The presenter began by saying that Article 22 of the Universal Declaration of Human Rights undermines classic liberties, insofar as it permits the United States Government to seize property and give it to another private citizen, especially when the government takes property without adequate compensation. A speaker asserted that a welfare state has been created, and that social goods are promoted at the expense of competing industries. Presenters also expressed

concern about what they described as "labor union coercion" and that because there are no right to work laws in 28 states, people in those states are compelled to join unions in order to get work.

The presenter further stated that in discussions regarding education, people often do not talk about the role of labor unions in stonewalling improvements in schools.

The presenter expressed concern about the increased citation of international law documents, including the Convention on the Rights of the Child (CRC), which the United States has not ratified, in U.S. judicial decisions. For reasons including that a treaty could trump existing state law in the area of the child-parent relationship, this presenter recommended against U.S. ratification of the CRC. This speaker argued that parental rights no longer seem like fundamental rights under domestic law. The presenter was also troubled by the Health Information Privacy Act because, he stated, it requires that doctors deny parents the ability to see test results and to accompany children during medical procedures.

- **Presentation III: Voting and Elections**

The presenter argued that there are not any restrictions on the right to political participation in the United States. He stated that while some NGOs say the United States has onerous voter identification requirements, this is not the case. He argued that the U.S Supreme Court has upheld voter identification requirements, and having no national identification requirement makes voting easier.

- **Presentation IV: Religious Liberty**

This presentation focused on the United States' record on religious liberty, which presenters found commendable. The presenter expressed concern, however, that the U.S. Supreme Court had narrowed constitutional protections for free exercise of religion, and that courts had sometimes read the Establishment Clause too broadly. According to this presenter, federal statutes such as the Religious Freedom Restoration Act enacted in response to the U.S. Supreme Court's cutting back on free exercise rights, create a high standard and offer best practice models. He discussed how the United States Government should boast about the Department of Justice and its efforts to combat discrimination. He also commended the Justice Department's response to the terrorist attacks on September 11. At the state level, he argued that there are serious problems of discriminatory legislation that remain on the books, although not enforced, including laws passed in the late 19th century that restrict funding for sectarian institutions and bans religious attire in schools. Recommendations from this presenter included clearly identifying the reason for our reservation on Article 20 of the International Covenant on Civil and Political Rights and fighting for individual conscience rights, including the right to change one's religion.

- **Presentation V: Child Sex Trafficking**

The speaker presented estimates for the number of trafficking victims in the United States, but noted there are likely several thousand more children trafficked into the commercial sex industry. Concern was raised regarding inadequate placement options for children who are removed from the sex trafficking business. Also noted was the high demand for pornography, especially since the Internet has made it easily accessible.

- **Concluding Remarks**

Interlocutors mentioned that insufficient attention has been given to adult pornography criminal laws. While child pornography laws are enforced, more efforts are necessary with regard to the enforcement of adult pornography laws. Some participants stated that the U.S. Government should not ratify the Convention on the Elimination of All Forms of Discrimination against Women. A participant stated that the U.S approach of stressing civil and political rights, as opposed to economic, social and cultural rights, in the UN should continue. A speaker concluded that the United States has a history of struggling with human rights issues through a democratic process, not always getting them right at first, but engaging in debate and trying to solve them.