

Post-Report Responses to the Third Cycle 36th Session of the Universal Periodic Review

Abstract: This 2021 report comes post-Universal Periodic Review (UPR) of the United States by the United Nations. Now that recommendations have been made by member states (UN member countries) regarding the human rights record(s) of the U.S. and current administration responses, what's next? This report is in conjunction with a coalition of U.S. sex workers organizations: The Desiree Alliance,¹ the Outlaw Project,² Black Sex Worker Collective,³ New Jersey Red Umbrella Alliance,⁴ and the Best Practices Policy Project.⁵

Overview

Founded in 2006 by the United Nations General Assembly as part of creating the Human Rights Council, the Universal Periodic Review is made up of the U.N. member-states (countries) and forms recommendation processes for fellow members' human rights records. This process allows member countries to make recommendation solutions for countries up for review every five years. In November 2020, the thirty-sixth session of the UPR presented the United States up for review. This is the third U.S. review (2010 - 2015 - 2020).

In 2010, U.S. sex workers formed a coalition to address a call to action regarding the first U.S. review.⁶ Our intention was to highlight the targeting and criminalization of sex work(ers) with a focus relating to transgender and lesbian, gay and bisexual (LGB) people. Representatives were sent to Geneva seeking recommendations from member states that recognized violence and punitive sanctions against sex workers. Member state Uruguay accepted our proposals and documented it as Recommendation 86 to “...ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses.”. Subsequently, in 2011 under the Obama administration, the United States accepted the recommendation and responded, “We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution.”. Although the

¹ The Desiree Alliance (www.desireealliance.org) was founded in 2005 as a national sex worker-led rights organization advocating for sex workers human, labor, and civil rights. Director Cristine Sardina is the principal writer of this report.

² The Outlaw Project (www.theoutlawproject.org) is based on the principles of intersectionality to prioritize the leadership of people of color, transgender women, gender non-binary and migrants for sex worker rights.

³ The Black Sex Worker Collective (www.blacksexworkercollective.org) seeks to address the needs of current and former Black sex workers by providing education, legal assistance, healthcare resources, and affordable housing referrals in order to successfully leave & maintain a life outside of the industry.

⁴ The New Jersey Red Umbrella Alliance (NJRUA) (njrua.org) is a working alliance of activists and allies who are dedicated to promoting, defending, and advocating for the human rights of sex workers in the state of New Jersey.

⁵ The Best Practices Policy Project (www.bestpracticespolicy.org) was founded in 2005 to provide capacity building support for organizations working with sex workers in the United States. P. Saunders (bestpracticespolicyproject@gmail.com) has collaborated as a writer.

⁶ Report on The United States of America 9th Round of the Universal Periodic Review – November 2010 http://www.bestpracticespolicy.org/wp-content/uploads/2013/01/FinalUPRBPPP_Formatted.pdf

recommendation was accepted by the U.S., sex workers met with the U.S. State Department in 2011 and to date no action has been taken towards Recommendation 86. In 2015, sex workers, again, represented ourselves in Geneva, highlighting the 2010 recommendation as we raised concerns by the lack of U.S. initiation to implement 86.⁷ Despite our valid efforts, the 2015 response of the more than 300 recommendations to the U.S., sex workers did not get support, and the U.S. failed to act for the rights of sex workers.

A coalition of sex worker organizations, The Black Sex Workers Collective, The Outlaw Project, New Jersey Red Umbrella Alliance, Best Practices Policy Project, and the Desiree Alliance, began organizing in 2019 to represent U.S. sex workers at the 36th session (Third Cycle) of the United Nations Human Rights Council in Geneva 2020. A shadow report was written with recommendations to the Office of the High Commissioner for Human Rights (OHCHR) regarding the 2010 Recommendation 86 and a myriad of human rights violations the Trump administration implemented against sex workers during his tenure in office.⁸ The report was submitted by the coalition in October, 2019. This was in preparation for the upcoming Universal Periodic Review that was to be held in March 2020. Following the coalition's report, in March 2020, the COVID-19 pandemic affected in-person(s) Geneva meetings and sessions were delayed until November 2020, preventing all member states from physically attending the UPR and instead, holding these sessions virtually.

The sex worker coalition attended the November 9th, 2020 virtual meeting and we are responding to the member state(s) recommendations and the U.S. responses. We will respond from categories that affect sex workers i.e., violence against Transgender people, immigration, hyper-criminalization, human rights, and human trafficking.

Under the Trump administration, the U.S. response to 347 recommendations made by member states during the 2020 UPR was at best, apathetic. In an attempt to dominate the UPR virtual session, the Trump administration responded by promulgating their human rights records with an embellished soft-sell of responses that directly contradicted the actions of the realities of what is taking place in the U.S. State agents under the Trump administration represented this rhetoric such as the Department of Justice (DOJ), Homeland Security (DHS), the State Department, Health and Human Services (DHHS), U.S. Department of Labor (DOL), U.S. Department of Defense (DOD), Federal Bureau of Prisons (BOP), and the State Attorney General of Utah.

⁷ Shadow Report submitted by Best Practices Policy Project, Desiree Alliance, Outlaw Project, Sex Workers Outreach Project NYC: Human Rights Violations of Sex Workers, People in the Sex Trades, and People Profiled as Such Submission to the United Nations Universal Periodic Review of The United States of America Second Cycle 22nd Session of the Working Group on the Universal Periodic Review Human Rights Council [May 2015] Submitted: September 15, 2014
<http://www.bestpracticespolicy.org/wp-content/uploads/2013/01/2014UPRReportBPPPDASWOPNYC1.pdf>

⁸ Shadow report submitted by Best Practices Policy Project, Desiree Alliance, Outlaw Project, New Jersey Red Umbrella Alliance, and Black Sex Worker Coalition. October 19, 2020
http://www.bestpracticespolicy.org/wp-content/uploads/2019/10/SWCoalition_UPR36_USA_2019.pdf

In March 2021, an official written response to the recommendations was submitted under the Biden administration.⁹ Although U.S. resolutions were positive in response to member states recommendations, we have experienced inaction by previous administrations and years-long delays in their acceptances.

Violence Against Transgender People:

In 2020, dozens of transgender people were reported murdered in the United States. The majority of these homicides reported were Black and Latinx women who identified as sex workers. Many murders go unreported or misreported due to misgendering by police departments, medical examiners, and families who do not recognize gender identity. Hyper-profiling of trans sex workers of color puts their risk at higher levels than cisgender populations due to over-policing, a rollback of human rights by former administrations, state sanctioned violence, and high incarceration rates. Disproportionate racial and gender profiling incites transphobia and perpetuates incentives for violence without repercussions. A report detailing discrimination against transgender people by *The National Center for Transgender Equality and the National LGBTQ Task Force* found that of approximately 28,000 respondents to the question of law enforcement interactions, more than half of those interviewed stated they felt they could not seek law enforcement assistance due to discrimination, fear of sexual assault, and violence. Lack of housing, employment, healthcare, and safety greatly contribute to these statistics.¹⁰ Considering the last four years of the Trump administration's incitement of racial violence and hate indoctrinations, member state Malta recommended the following actions: 26.148 *Strengthen measures to prevent and combat violence, especially the rate of murder experienced by transgender women of colour, as well as the violence experienced by the broader LGBTQ community.*¹¹

The Biden Administration took a step in January 2021 to differentiate itself from the previous administration by revoking the ban on transgender people from enlisting in the military and has noted support for three UPR recommendations relating to gender identity and sexual orientation.¹² We urge the current administration to take immediate action addressing issues that contribute to violence against transgender people such as, lack of housing, employment,

⁹Official response to the UN Human Rights Council by the Biden administration March, 2021
https://2eb10dad-2dc6-4e35-8204-bfad7e9ec875.usrfiles.com/ugd/2eb10d_27444097f0a743eebaba4e6eafb6e309.pdf

¹⁰ For the full report: <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

¹¹ Recommendation can be found here from all member states:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

¹² 146-148. On January 20, 2021, President Biden issued Executive Order 13,988, "Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation," which directs federal agencies to develop a plan to fully implement laws that prohibit sex discrimination, to include sexual orientation and gender identity discrimination.
https://2eb10dad-2dc6-4e35-8204-bfad7e9ec875.usrfiles.com/ugd/2eb10d_27444097f0a743eebaba4e6eafb6e309.pdf

adequate healthcare, and safety. The sex worker coalition supports recommendations 146-148¹³ with the full inclusion of marginalized and criminalized people such as those who work in sexual commerce and unrecognized economies. The sex worker coalition strongly urges the current administration to undertake these issues prioritizing the immediate needs of transgender persons identifying as sex workers. We recommend any commissions or committees to be inclusive of transgender people with expertise in their own narratives, well-being, and lived experiences.

Immigration:

During the Trump administration's tenure, immigration and migration became flashpoints for human rights violations, and the U.S. experienced an unprecedented separation from common sense border regulations. Representative for Homeland Security James McCament said his department has taken its role seriously in ensuring "proper" implementation of U.S. immigration laws to protect the rights of Americans and foreign nationals in the United States.¹⁴ Mr. McCament stated the United States had the approved backing of several countries to stymie the flow of "mass illegal migration" and had partnered border security measures with some of these countries to collaborate in the guise of eradicating cartels responsible for human trafficking and drug smuggling.

We would like to point out that U.S. government agencies threaten countries with sanctions of monetary relief, military backing, and loans if they do not comply with U.S. national security measures. Increased border securities and decreased immigration pathways have stagnated border entries for those seeking asylum. This is in direct contradiction to the government's gatekeeper's humanitarian language and more importantly, tactical weighted enforcement through "Safe Third Country" agreements, allowing metering, zero tolerance policies, and ending protected statuses for those who live and work in the United States.

Immigration and migration policy reform should go far beyond the current administration's paths to citizenship. It also must highlight the unregulated and unchecked rogue tactics of U.S. agents on border control. Sexual assault perpetrated by border agents is commonplace and sex workers who have migrated to the U.S. have no recourse to report these violations. A clear example of how neglected our checks and balances of Homeland Security and the U.S. Border Patrol have

¹³ These are to: "Take all possible steps at state and federal level to prohibit discrimination based on sexual orientation or gender identity in credit, education, employment, housing, jury service, public accommodations, and taxpayer funded programs" (Belgium); "Guarantee the protection of LGBTI persons and put an end to the discrimination they suffer" (France) and "Strengthen measures to prevent and combat violence, especially the rate of murder experienced by transgender women of colour, as well as the violence experienced by the broader LGBTQ community" (Malta).

¹⁴ Questions were submitted in advance to U.S. representatives by Belgium, Canada, China, Germany, Islamic Republic of Iran, and Portugal on behalf of Group of Friends on national mechanisms for implementation, reporting and follow-up, Serbia, Slovenia, Sweden, Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and Uruguay was transmitted to the United States of America through the troika. <https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

become, is the case of (ex-military) serial killer and ten-year veteran border patrol supervisor Juan David Ortiz. In 2018, in a matter of 10 days, border agent Ortiz brutally murdered four sex workers (including 1 transgender woman and 1 migrant) and left their bodies strewn in remote areas along the Texas/Mexico border. A fifth managed to narrowly escape and reported the violence to law enforcement. As our initial report indicated, *“It is unclear if the border agent began his serial killing in a time frame of one week or if his ten-year tenure as a state agent will produce more bodies of sex workers thought disposable and insignificant to him.”*¹⁵

The militarization of our southwestern borderlands stems directly from hiring practices of ex-military with no de-escalation management to civilian employment. The inherent notion that “protect and serve” along our southwestern borders have repeatedly been underscored by former and current administrations. Member states made many recommendations pertaining to the rights of immigrants,¹⁶ migrant human rights defenders,¹⁷ inhumane detention centers,¹⁸ and member state Germany recommended the following actions that allude to abuses at the border: 26.236 *Take further measures to prevent, investigate and punish excessive use of force by law enforcement, including against minorities and migrants at the border.* Although no member states clearly outlined the extent of border violence by U.S. enforcements, it is well-known for those of us who live in southwestern border states how (un)controlled occurrences are at the margins by the U.S. Border Patrol.

Once again, the Biden Administration made efforts in its response to differentiate itself from the previous administration, supporting almost all recommendations pertaining to migrants rights. However, the response downplayed recommendation 26.236 supporting it by saying that *“racial profiling is prohibited under our Constitution and federal government policy”* and thus sidestepping the serious concerns of rights violations perpetrated by state agents at the border.¹⁹

The sex worker coalition recommends that United States immediately address the rights violations at the border that impact sex workers and no longer use sex work policy as a tool to punish migrants overall. We recommend a rigorous hiring and qualifications process for border patrol agents and ICE. We also recommend alternative pathways to citizenship methods instead

¹⁵ http://www.bestpracticespolicy.org/wp-content/uploads/2019/10/SWCoalition_UPR36_USA_2019.pdf
See: Footnote 6

¹⁶ See for example, 26.327 “Make efforts in favor of human rights of migrants and asylum and refugees seekers” (El Salvador) and similar by other states such as 26.328 though 332.

¹⁷ Such as 26.273 Develop measures to allow migrant rights defenders to carry out their work freely (Peru) and 26.274 Ensure an environment in which immigrant human rights defenders can do their work freely, without threat of immigration detention and deportation (South Sudan).

¹⁸Such as 26.347 Ensure the enjoyment of Human Rights by minorities and vulnerable groups in the country, especially those in detention centres for migrants along the southern border of the United States (Nicaragua). See also, Recs 26.333 though 346, including the conditions of detention and rights of children.

¹⁹ Official U.S. response to member state recommendations by the Biden Administration, March, 2021.
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

of instantaneous deportation solutions for prostitution convictions. We urge the current administration to lift visa denials and travel bans due to alleged prostitution status or from countries where legal sex work is recognized as legitimate labor. We encourage the Biden administration to take proactive measures in border policy reforms that do not enmesh the puritanical ideologies of prostitution and sex trafficking. The fusion constructs nonsensical carceral-state tactics and conflation of migrants and asylum seekers (non)autonomy, disregarding circumstances of familial separations, war, poverty, stagnant economies, and U.S. interventionism, inadvertently creating clandestine markets fueling human trafficking in all forms i.e., human, labor, and sex.

Incarceration:

The United States is the undisputed largest industry of incarcerated persons in the world. Sex workers are criminalized with an average of 3-6 years of incarceration for non-violent crimes of prostitution (3 Strikes).

Addressing member state recommendations made on police brutality and remedies for racial discrimination, representative for the Trump administration Robert Destro, from the U.S. State Department, asserted individuals and their families have access to state and federal courts to press for institutional changes and monetary damages.²⁰ The lived realities of the United States government are far removed in justifying their descriptive responses rather than address the atrocities of the prison industrial complex. As evidenced by the world's largest incarceration system, the balance of justice does not ring true for people of color, poor people, marginalized, disenfranchised, or immigrant/migrant people. Entire communities have been destroyed due to the Reaganesque policies that current and former administrations have built upon the backs of these communities. The merry-go-round doors of the criminal justice system have decimated whole communities by every administration past and present.

Member states recommended an overhaul of the U.S. prison system including addressing "3 Strikes rules" and prohibiting racial profiling.²¹ Alternative methods of rehabilitation must be enacted for nonviolent crimes and provide sentencing judges the judicial discretion to provide options in lieu of incarceration.²² In the U.S., states cannot meet the fiscal burden of

²⁰ Questions to U.S. representatives were submitted in advance. See: Footnote 11
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

²¹ 26.263 Take further steps to reform the criminal justice system, which seeks to reform sentencing laws, such as the so-call "3 strikes rules", that have wrongly and disproportionately harmed the African-American communities, with life imprisonment for non-violent crimes (South Africa) and 26.235 Further its efforts at effectively combating incidents of racial discrimination including through the implementation of recent measures such as the "Safe Policing for Safe Communities" initiative, prohibitions on racial profiling and monitoring of prisons (Sri Lanka).

²² Such as 26.242 Take further actions to prevent overcrowding of jails and prisons, especially during the current pandemic; eliminating or reducing mandatory minimum sentences would be crucial to this effect (Portugal). 26.263 Take further steps to reform the criminal justice system, which seeks to reform

over-incarceration due to mandatory minimums of low-level crimes. The Biden administration supported most of the member state recommendations but held restraint in their responsibilities concerning the vigilantism of police departments in the countless murders of people of color.²³

Human Rights:

In 2019 and 2020, the world witnessed the unrestrained police violence against people of color. The peaceful protests emphasizing police violence against African American communities were met with months of state sanctioned aggressions which clearly divided and endorsed the obligations of government interference with First Amendment rights of its citizens. Under the Trump administration, U.S. State Department envoy, Robert Destro, commented on the George Floyd protests stating the demonstrations over the tragedy of George Floyd's death showed the world that Americans understand that they have the inherent right to raise their voices, individually and collectively, and demand that their government address their grievances.²⁴ As both spectators and participants supported the people's right to peacefully protest, we witnessed firsthand the state and federal violence, and armed militarization against its citizens.

Trump representative Charles Allen of the U.S. Department of Defense, responded with statements that US military intervention in law enforcement should be exercised as a last resort specified by law and, only in the most extreme circumstances.²⁵ We find gross misrepresentations in this statement of fabrications as race relations between civilian and police interactions clearly showed the contradictions of peaceful demonstrators and violent reactions through militarization by federal, state, and local enforcements.

Nearly three-quarters of member states 347 recommendations highlighted racism, xenophobia, police brutality, racial discrimination, racial profiling, and a myriad of human rights violations the U.S. allows to flourish under the pretext of law and order. The Biden administration responded positively to these recommendations and committed to addressing these issues.²⁶ Although it was not clearly defined what measures would be taken as the administration has

sentencing laws, such as the so-call "3 strikes rules", that have wrongly and disproportionately harmed the African American communities, with life imprisonment for non-violent crimes (South Africa)

²³ "With respect to 26.224, without commenting on any particular incident, we support enforcing laws that prohibit racial discrimination, racial profiling, and excessive use of force in policing

26.235 Further its efforts at effectively combating incidents of racial discrimination including through the implementation of recent measures such as the "Safe Policing for Safe Communities" initiative, prohibitions on racial profiling and monitoring of prisons (Sri Lanka)

²⁴ Questions were submitted in advance. See: Footnote 11

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

²⁵ Questions to U.S. representatives were submitted in advance See:Footnote11

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

²⁶ Response from Biden administration to member states recommendation 251 "The U.S. supports undertaking those law enforcement reforms that enhance trust between police and communities and promote fairness and accountability for the activities of law enforcement."

Member State recommendations can be found here:

<https://www.aclu.org/report/draft-report-un-working-group-united-states-universal-periodic-review>

opposed a defunding action for law enforcement budgets. The commitment to hold law enforcement accountable for white supremacist violent and racist tactics within their own ranks was also not acknowledged by the administration.²⁷ We strongly propose the Biden administration address these recommendations with anti-racism, anti-discrimination, and anti-violence trainings as recommended by numerous member states.

Ideally, this would include disinvestments of over-funded government agencies (including law enforcements) and redirect funding distributions to critically needed human rights based and peer led social services within communities. Our coalition encourages establishing community liaisons to deescalate social challenges within communities. These financial distributions should also provide funding for law enforcement behavior education for positive-outcome interactions with street-based sex workers and other marginalized populations to ensure communities are healthy and thriving.

Human Trafficking:

Racially motivated wars on domestic terrorism is not a new phenomenon as public enemy #1 in the U.S. As we have witnessed in the last century, hundreds of policies and laws ranging from white slavery to the drug wars, have been enacted to keep people of color targeted and incarcerated. The implementation of the Trafficking Victims Protection Act in 2000 self-authorized U.S. sovereignty to monitor national and global (in)actions against human trafficking.²⁸ Defining terms of human trafficking, the act was reauthorized in 2008, strengthening federal trafficking laws that authorized provisions governing the rights of unaccompanied migrant children entering the U.S. and T visa's for those who have been trafficked.²⁹ The global concern of human trafficking as a transnational construct centers women, children, and labor rights. Since the TVPA was introduced, sex trafficking has been piecemealed out from all forms of trafficking i.e. labor, sex, and human. Factual evidence does not support the hysteria behind U.S. trafficking campaigns. No national statistics put forth by government stakeholders show human trafficking is out of control in the U.S.³⁰ It has since become a well-funded political and moral endemic with punitive consequences towards countries that do not satisfy terms of the agreements set forth by the U.S.

²⁷ Response from Biden administration to member states recommendations "216, 261, 266. "We do not agree with some of these recommendations' premises but are committed to combating discrimination, domestic violent extremism, and hate crimes and promoting tolerance."
https://2eb10dad-2dc6-4e35-8204-bfad7e9ec875.usrfiles.com/ugd/2eb10d_27444097f0a743eebaba4e6eafb6e309.pdf

Member state recommendations can be found here:

<https://www.aclu.org/report/draft-report-un-working-group-united-states-universal-periodic-review>

²⁸ Trafficking Victims Protection ACT 2000 <https://www.state.gov/international-and-domestic-law/>

²⁹ Trafficking Victims Protection and Reauthorization ACT 2008

<https://www.state.gov/international-and-domestic-law/>

³⁰ FBI: UCR 2019 Crime in the United States: Human Trafficking

<https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/additional-data-collections/human-trafficking>

In the United States, federal and state criminalization of trafficking are intersecting with those who work in sexual commerce as a sustainable means of labor. Complex legalese in federal enactments paint a broad stroke of loosely written guidelines allowing states to instead focus on policing and prosecuting in lieu of victim protection and prevention. While much of the anti-sex trafficking industrial complex is faith-based or faith-based modeled, the cornerstone of these models has become save and rescue at all costs, forming symbiotic relationships with local/state/national law enforcements, the U.S. State Department, Department of Justice, and Homeland Security. This becomes extremely problematic as victims of sex trafficking are arrested, forced to comply with draconian regulations, offered insufficient services, and if migrant or asylum stasured, threatened with deportation or, immediately deported. In Desiree Alliance’s written submission to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Discussion on the General Recommendation on Trafficking in Women and Girls in the context of Global Migration (General discussion on TWGCCGM) , it was emphasized “*The threat of deportation to a country that may pose great dangers to women who have been arrested as a trafficker, as a victim (victims are arrested on initial police contact), or one who has participated in acts of prostitution, no matter if forced, frauded, or coerced, can be a potential death sentence, determine cultural outcastings, experience familial abandonments, and highly vulnerable to exploitations beyond her self-determinations.*”³¹

It has become abundantly clear in the final report of the general recommendations in the CEDAW migration responses of how far U.S. influence has enabled false information on the conditions of human trafficking in the U.S.³² With a drastic push for the global Nordic model, the UN promoted and endorsed a harmful construct that hinders the eradication of sex trafficking and instead, used as a punitive tool to harm those who labor in sexual commerce. Making no distinctions between sex trafficking and those who choose sex work as labor merges two vastly different entities and instituting multi-agency policing that creates additional harm and stacked retributive legislations.

Despite the coalition’s efforts to bring awareness of the hyper-criminalization of U.S. sex workers in 2020, no member states addressed anti-prostitution laws that criminalize and/or rescind the human rights of sex workers.³³

³¹ Submission to CEDAW

<http://desireealliance.org/wp-content/uploads/2019/02/CEDAW-submission-Feb-2019.pdf>

³² General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en

³³ The coalition interacted with several member states regarding the human rights of sex workers in the U.S. Letters and virtual face-to-face interactions with Australia, Canada, Chile, Columbia, Belgium, Botswana, Brazil, EU, Finland, France, germany, Greece, Japan, Mexico, Namibia, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, UK, Uruguay, and Zambia.

Conclusion:

On March 4th, 2021, the Biden administration formally accepted 280 (in whole or in part) of the 347 recommendations made by member states. The administration wholeheartedly agreed police brutality was a constant in the U.S. and pledged working towards solutions in addressing the hundreds of member state recommendations to take immediate action.³⁴ Although, the current administration accepted nearly all recommendations against racial discrimination and law enforcement reforms, the administration has rejected defunding criminal justice departments that are notoriously and historically known for brutalities against communities of color and marginalized populations. Instead, Biden's 2020 campaign promised an additional three hundred million for bridging community relationships and law enforcement with more diverse hiring and training practices for departments.³⁵ To date, there has been no set monetary budget amount for these specific actions or a solid delineation of community and criminal justice systems building comprehensive and cohesive relationships. It is also noted the administration outright rejected Pakistan's recommendation to address Islamophobia *26.128 Take meaningful and demonstrable steps to end Islamophobia and hate speech, including through criminalization*. We cannot form an evaluation as to why this particular recommendation was not supported by the Biden administration, but we question why this important component of addressing xenophobia would not be accepted in a time when violent racism is blatantly transparent in the U.S.³⁶

In theory, the concept of building symbiotic dependences would strengthen communities, but, there are no parallel similarities between contrasted power structures that have historical constructs built on racism, prejudice, bias, hatred, and discriminatory practices. Policing ultimately is an unparalleled power structure within a system designed to debilitate communities of color into submission. Our criminal justice system is on trial in the U.S. and the world is watching. The administration must call for reform of enforcement practices that continue qualified immunity and blaming people of color for the unrestrained and rampant practices of legalized murder under the guise of "protect and serve". As human rights defenders we must demand the current administration include community members directly impacted by criminalization in these changes. We must also be hyper-vigilant of power tiers when creating policies in just and fair ways that affect those at the margins. We cannot accept the same approaches and expect different outcomes.

³⁴ Such examples include: 26.124 Develop an action plan to address structural discrimination with clear timelines and milestones (Pakistan); 26.125 Consider adopting measures to combat racial discrimination, including adopting a National Action Plan to combat racial discrimination as recommended by the Committee on the Elimination of Racial Discrimination (Algeria);A/HRC/WG.6/36/L.11 14 26.126 Adopt and promote a comprehensive national plan to combat, racism, racial discrimination, xenophobia and related intolerance, including incitement of hatred. (South Africa)
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

³⁵ <https://www.aljazeera.com/news/2021/2/17/us-president-joe-biden-says-he-will-not-defund-the-police>

³⁶ The U.S. response stated "We do not support: 26. 128"
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/USindex.aspx>

Recognizing systemic and institutional racial ideologies of historical constructs by the Biden administration is an optimistic first step in establishing responsibility and change. However, many communities are still left behind. It is here where efforts must be undertaken by all government stakeholders as well as community demands that are inclusive of these populations. Sex workers are hyper-criminalized for no other reason than archaic moral dogma. We have been recognized by the United Nations Periodic Review and we have been recognized by a former administration through Recommendation 86. After a decade of nonaction acknowledging Recommendation 86, this administration has the opportunity to take progressive measures in identifying how people labor, how people survive, and their lived realities. Nothing About Us Without Us.