

CCPR - International Covenant on Civil and Political Rights

HUMAN RIGHTS COMMITTEE

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Examination of the 5th report and country situation of the United States of America

16 October 2023

Statement on [U.S. Non-Compliance with Article 4 of the ICCPR](#): Concerns and Recommendations for Alignment

Distinguished members of the UN Human Rights Committee,

We are here today to address a pressing issue that has persisted in the United States for many decades—the country's non-compliance with its obligations under Article 4 of the ICCPR, which unfortunately was not included into the List of Issues addressed by the Committee to the Government of the United States in 2019.

This issue of non-compliance with Article 4 is not an isolated incident but indicative of a broader systemic failure of the United States to align its domestic laws and practices with international human rights standards.

Since the National Emergencies Act (NEA)'s inception in 1976, U.S. Presidents have declared an astounding 70 national emergencies. Alarming, over 30 of these remain active, with routine annual extensions even after the U.S. ratification of the ICCPR in 1992. For instance, the national emergency related to Iran has been in place for over four decades, and the one concerning Syria has been renewed for over 16 years. Additionally, a national emergency concerning Cuba has been active since 1996.

Such frequent and prolonged declarations of emergencies have effectively positioned the U.S. in a de-facto permanent state of emergency, a situation that starkly deviates from international law's principles and Article 4 of the ICCPR. We express grave concern regarding the U.S.'s tendency to perpetually renew a significant number of its emergency declarations.

The United States has frequently invoked "unusual and extraordinary threats" to its national security, foreign policy, and economy as grounds for issuing emergency declarations and sanctions. This practice diverges from the strict criteria set forth in Article 4 of the ICCPR, which mandates that such emergencies must pose an imminent, existential threat to the nation.

The U.S. has failed to bring its National Emergencies Act and the International Emergency Economic Powers Act into compliance with Article 4 of the ICCPR, even after its ratification in June 1992.

Furthermore, it is imperative for the U.S. to re-evaluate its position on the ICCPR's domestic application, ensuring consistent adherence to its obligations both nationally and globally.

To address these systemic issues, we propose the following recommendations:

1. The U.S. government must align criteria for emergency declarations and sanctions with the provisions of Article 4 of the ICCPR.
2. The U.S. must introduce stringent judicial oversight mechanisms to ensure that the President's current exercise of unfettered emergency powers aligns with both domestic principles and international obligations under ICCPR.
3. The U.S. should maintain open communication with relevant international bodies, such as the UN Secretary-General and the UN Human Rights Committee, consistently updating them about its emergency declarations and the rationale behind them.

We urge the Members of the UN Human Rights Committee to consider these recommendations with the urgency and gravity they warrant.

Sincerely,

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