

## MEDIA HIGHLIGHTS SUMMARY

In 2006, more than 142 U.S.-based non-profits and organizations and 32 individuals formed a coalition to develop a comprehensive “shadow report” of human rights violations in the United States. This “shadow report” was submitted to the United Nations’ Human Rights Committee in May 2006 for its use during its 87th Session, when the committee will review the United States’ compliance with the International Covenant for Civil and Political Rights, an international treaty it ratified in 1992.

This 465-page “shadow report” covers over 100 separate human rights violations. Among the issues covered in the report are:

- **“U.S. Exceptionalism:”** The United States has failed to fulfill its obligations to implement the civil and political rights treaty. When it ratified the treaty, Congress attached reservations, understandings and declarations that effectively rendered the treaty unenforceable. Despite playing the role of watchdog for the implementation of human rights around the world, the U.S. has faltered in meeting its own international human rights obligations, including those of the Covenant. The result is that U.S. citizens and others in the United States have no effective remedy; in other words, they have **no way to ensure that all of their human rights are protected.**
- **Immigration:** There are many human rights violations that immigrants face in the U.S. including:
  - Immigrants are routinely denied **access to counsel**, both when federal agents do not inform immigrants of their right to counsel and when immigrants are not allowed access to counsel in the cases of expedited removal of immigrants crossing the southern border.
  - Immigrants who are permanent residents often lose their **right to family integrity** when their family members are deported. These violations are increasing due to the expansion of deportable offenses and the limitations on discretionary relief. Mandatory removal violates legal permanent residents’ **right to individualized review**. The U.S. failure to consider the interests of any minor children violates the **right of the child to special protection**.
  - Following the September 11, 2001 terrorist attacks on the U.S., there was an increase in the number of militia-like groups along the U.S.-Mexico border, some of which have gained the support of white supremacists. These vigilante groups have been hunting, detaining, beating, and sometimes killing immigrants, violating their **right to life**.
- **Hurricane Katrina:**
  - The death toll from Hurricane Katrina was the direct result of the State Party’s failure to provide adequate evacuation plans, evacuation assistance, and humanitarian aid. These omissions violated both the **right to life** and the **principle of non-discrimination**. Specifically, the State Party’s evacuation plans were discriminatory on the basis of property ownership, which had a disparate impact on racial minorities, especially on African Americans.

- In the April 2006 elections in Orleans Parish, tens of thousands of voters were **denied access to voting** because the U.S. Government failed to take actions to accommodate those displaced by Hurricane Katrina. Despite precedents set by the responses to other disasters including the September 11, 2001 attacks in New York City, the federal government chose to provide only a fraction of the financial assistance requested by the Louisiana State government to hold these elections. Of particular concern, the denial of voting rights for the displaced population was racially disparate. An independent review of the April voter turnout shows a significant drop among African American voters and an actual increase in the percentage of white voter turnout.
- **Violations of Privacy and the Criminalization of Dissent:**
  - The government monitoring phone, e-mail, and fax communications within and outside the United States without judicial oversight are part of a larger scheme that criminalizes dissent. The Federal Bureau of Investigation (FBI) has been collecting information on the tactics, training and organizing of anti-war demonstrators who have done nothing illegal. To this end, the government is engaged in intelligence gathering that violates **Article 17 [can I just say “right to privacy?”]**.
  - Peaceful political demonstrators in the United States have been profiled by government agencies based on their political or ideological viewpoints; they are being illegally detained, arrested and sometimes beaten based on their participating in politically expressive activity and/or peaceable assembly; and their organizations are being infiltrated by local and federal law enforcement. These government acts violate the demonstrators’ **right to privacy and right to assemble**.
- **Death Penalty:**
  - Contrary to the Committee’s specific recommendations in 1995, the U.S. has failed to take measures to restrict the death penalty to the most serious crimes. For example, the “felony murder” rule allows for individuals to be sentenced to death, even if they did not kill, intend to kill, or even contemplate that another human being would die as a result of their actions. Moreover, since the U.S. last appeared before this Committee, it has taken no steps to reduce the number of crimes for which individuals are “death-eligible,” violating individuals’ **right to life**.
  - There is mounting evidence that current lethal injection protocols violate **anti-torture statutes**. Lethal injection is the most common method of execution in the U.S. While lethal injection was once believed to cause a painless death, experts have testified that death by lethal injection can cause excruciating agony.
- **Failure to Provide Special Protection to Children:**
  - The United States fails to recognize the right of children in conflict with the law to procedures that take account of their age, which violates **children’s rights to special protection**. State legislation routinely allows children, in some cases as young as 10 years old, to be subject to adult criminal proceedings.

- More than 9,000 children are housed in adult prisons and jails and more than 4,000 children per year enter the adult system. When the United States ratified the ICCPR, it attached a limiting reservation stipulating that it “reserve[d] the right, in exceptional circumstances, to treat juveniles as adults.” Clearly, however, given the numbers involved, the circumstances in which children are treated as adults is far from exceptional. It is a routine and everyday occurrence.
- **Prison Conditions:**
  - California, home to approximately 10 percent of the nation’s prison population, is an example of the gravity of human rights concerns facing imprisoned populations. The mistreatment of inmates incarcerated in California prisons has resulted in a spectrum of abuses that particularly impact marginalized populations including transgender persons, women, the elderly, youth, the disabled, and the mentally ill. Prisoners face multiple forms of discrimination and are subjected to violence based on their gender and racial identities, economic status, age and sexual orientation.
  - In direct opposition to its obligations under the ICCPR, U.S. legislation such as the Prison Litigation Reform Act (“PLRA”) effectively prevents many prisoners from seeking redress in federal court. These laws prevent prisoner from having access to courts and drastically reduce the ability of the courts to remedy human rights violations in prisons.