



EXECUTIVE SUMMARY OF  
U.S. STAKEHOLDERS' REPORTS

Submission to the United Nations Universal Periodic Review (UPR) of  
United States of America  
Second Cycle

Twenty Second Session of the UPR

Human Rights Council

April - May 2015

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The US Human Rights Network (USHRN) is a national network of organizations and individuals working to build and strengthen a people-centered human rights movement in the United States, where leadership is centered on those most directly affected by human rights violations.

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<sup>1</sup> Organizations for identification purposes only

## **EXECUTIVE SUMMARY**

This joint submission filed by the US Human Rights Network (USHRN), under Sections B, C, and D provides a summary of 34 stakeholder reports submitted by our members and partners.

- **Section B** – Examines existing frameworks in the U.S. for protecting and promoting human rights,
- **Section C** – Highlights some shortcomings in the U.S.’ on-the-ground implementation of its human rights obligations since the last UPR review.
- **Section D** - Highlights a number of recommendations the U.S. government should take to protect and promote the rights contained in the UDHR and in fulfillment of its human rights treaty obligations.<sup>i</sup> More detailed and comprehensive recommendations for action are provided in each coalition stakeholder report submitted separately but referenced in this overarching report.

### **B. NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE**

1. The U.S. has repeatedly emphasized a commitment to human rights for all, undertaking obligations to promote and protect human rights throughout the U.S., through all appropriate measures, including legislation, education and policy.<sup>ii</sup> By virtue of our federal system, federal, state and local authorities share responsibility for implementation of international human rights obligations. Despite this understanding, there is no institutionalized effort to encourage, coordinate and support human rights education, monitoring or implementation at the state and local levels.<sup>iii</sup>
2. What currently exists at the federal level is an ad-hoc approach to human rights reporting and implementation, with insufficient state and local government participation.<sup>iv</sup> The U.S. recently created a federal level inter-agency Equality Working Group to coordinate federal agencies around human rights, it has yet to be institutionalized and, to date, has not engaged with state and local governments. In addition, the U.S. also lacks a national human rights monitoring body and has failed to heed recommendations calling expressly for the creation of a national human rights institution (NHRI).<sup>v</sup> Regarding human rights education, there is currently no comprehensive national framework or action plan within K-12 education (primary and secondary), higher education, or the training of educators.<sup>vi</sup>

### **C. PROMOTION AND PROTECTION OF RIGHTS ON THE GROUND (INCLUDING RECOMMENDATIONS FROM THE 2010 UPR REVIEW)**

#### **Equality, Non-Discrimination, Due Process and Equal Protection**

3. Black people in the U.S. are subjected to discrimination in ways that make them vulnerable to indirect and direct human rights violations. This causes them to be overrepresented in the criminal justice system (profiling, arrests, sentencing and death row); and to experience discrimination in employment, housing and education. Black women are at greater risk of violence than their white counterparts and black LGBTQI people and those with HIV experience disparities that put them at risk of neglect, harassment or even death.<sup>vii</sup>
4. Evidence indicates that in the U.S. LGBTQI people continue to be subject to human rights violations in the areas of employment, poverty, bullying, hate crimes, and health. During the 2010 UPR, the U.S. accepted three recommendations that specifically reference sexual orientation, gender identity, and LGBT people (recommendations 86, 112, and 116).<sup>viii</sup> The Employment Non-Discrimination Act (ENDA), a bill intending to ban discrimination against LGBTQI people passed

the Senate in November 2013, but it has not pass the House of Representatives and contains a questionable provision allowing religious groups continue to discriminate.<sup>ix</sup>

5. The exact number of unsolved racially motivated murder cases that occurred before the 1970s remains unknown. The Cold Case Justice Initiative at Syracuse University provided the Department of Justice with a list of 296 victims. The CCJI, among other groups, continues to discover victims of unsolved racially motivated murders.<sup>x</sup>
6. Approximately 28 million women in the U.S. are living with a disability and face multiple and intersecting forms of discrimination as a result of both factors. Due to discrimination in both the private and public sphere, women with disabilities are two to three times more likely than non-disabled women to experience violence, including but not limited to sexual and domestic violence.<sup>xi</sup>
7. The military justice system systematically fails to investigate and prosecute cases of sexual violence against its service members. According to the Department of Defense's (DoD) most recent study, 5,518 military women and men experienced some type of unwanted sexual contact in the last year alone.<sup>xii</sup> Those who report incidents of sexual violence are forced to report to the Chain of Command and are denied their right to due process and redress, and are frequently subjected to retaliation, stigma and harassment within the military.<sup>xiii</sup>
8. In the administration of justice in military courts, the United States relies extensively on courts-martial to maintain discipline and punish criminal conduct by its military personnel and certain civilians in violation of the ICCPR.<sup>xiv</sup>

#### Right To Life, Liberty, and Security of Person

9. A recent rash of killings by police of unarmed black men has sparked outrage in communities of color who view these killings as a result of illegal racial profiling and police brutality. The police killing of John Crawford III, Eric Gardner, Ezell Ford, and probably the most high-profile case, Michael Brown in Ferguson, Missouri, have brought to light the lack of respect for the lives of people of color and the need for human rights protections.<sup>xv</sup> In its recent report to the committee, the government notes its efforts to address the persistent problem of police brutality and racial profiling—most notably, the DOJ Civil Rights Division's recent investigation of the New Orleans Police Department, which led to one of the most comprehensive reform agreements in its history.<sup>xvi</sup> The DOJ has recently opened a civil rights investigation into police practices in Ferguson, Missouri as well.<sup>xvii</sup>
10. During the 2010 UPR, the U.S. received 22 recommendations on the death penalty, including many calling for the U.S. to implement a moratorium.<sup>xviii</sup> The U.S. noted, but did not accept, most of these recommendations.<sup>xix</sup> It is important to note the ongoing racial disparity in death penalty cases. Those convicted of killing whites are more likely to be sentence to death than those convicted of killing blacks<sup>xx</sup> and black defendants are more likely to be sentenced to death regardless of the race of their victims.<sup>xxi</sup> In July 2014, the state of Arizona executed Joseph Rudolph Wood III, using a dubious process and without the disclosure of the drug sourcing. Wood was pronounced dead nearly two hours after the drugs' initial administration,<sup>xxii</sup> though the lethal injection process normally lasts only 10 or 11 minutes.<sup>xxiii</sup>

#### *Rights of Individuals in U.S. Jails, Detention Centers and Prisons*

11. The U.S. currently detains approximately 80,000 prisoners in solitary confinement in its jails, prisons, and detention centers. Solitary confinement is well-known to result in severe psychological

and physical harm and it is disproportionately used against prisoners of color, and other vulnerable incarcerated populations like the mentally ill.<sup>xxiv</sup> While no specific recommendation was made regarding solitary confinement during the 2010 UPR, the U.S. government accepted recommendation 177 to ‘ensure the full enjoyment of human rights by persons deprived of their liberty...’<sup>xxv</sup>

12. More than 20 racial and social justice activists and human rights defenders languish in prisons throughout the U.S. These political prisoners are COINTELPRO/Civil Rights Era<sup>xxvi</sup> activists who were persecuted because of their political beliefs and activities. They are now indigent, aging, infirmed, and entitled to immediate relief.<sup>xxvii</sup> UPR Recommendations 92.94, 92.153 and 92.154 call on the U.S. government to “end the discrimination against persons of African descent;” and to “release all of its political prisoners...including Leonard Peltier and Mumia Abu Jamal.”<sup>xxviii</sup>
13. LGBT people are overwhelmingly subjected to sexual harassment and sexual assault in detention and prisons, by other inmates and by prison staff. A DOJ 2012 study of data showed rates of abuse approximately ten times higher for bisexual or gay inmates than for straight men.<sup>xxix</sup> While the Prison Rape Elimination Act (PREA) provides for a case-by-case analysis of safer housing options for prisoners, authorities have in practice defaulted to housing transgender people according to sex assigned at birth.<sup>xxx</sup>

### ***Right to Security of Person - Gender-Based Violence***

14. Racial discrimination and gender-based violence continue to be significant issues in the United States for women of color (including lesbian, bisexual and transgender women).<sup>xxxi</sup> The recent federal racial justice initiative, My Brother’s Keeper, excludes remedies to address persistent racial discrimination against women and girls of color; while under The Violence Against Women Act (VAWA) communities of color continue to receive a disproportionately lower share of resources than that required for the law to have impact where it is most needed.<sup>xxxii</sup>

### ***Criminalization of Vulnerable Communities***

15. Unjust laws that mandate rampant criminalization, policing, and incarceration of communities of color and LGBT people of color make them particularly vulnerable to a wide array of direct and resulting human rights violations. For example, Blacks represent approximately 12% of the US population, but accounted for an estimated 44% of new HIV infections in 2010. LGBT communities of color, particularly transgender women of color and youth, are “endemically profiled” as engaging in sex work and other sexual offenses.<sup>xxxiii</sup>
16. The stigmatization of sex workers and those profiled as such in tandem with “zero-tolerance” policing in urban areas where poorer communities are being displaced, operate to ensure that these populations are disproportionately impacted by the prison system.<sup>xxxiv</sup> Sex workers in these areas face additional burdens of police violence and abuse.<sup>xxxv</sup>
17. The U.S. has accepted recommendations to prevent human trafficking and child prostitution, and assist trafficking victims, however, many state laws and policies are designed to maximize prostitution arrests and prosecutions.<sup>xxxvi</sup> In 2013, the U.S. passed the Trafficking Victims Protection Reauthorization Act (TVPRA), but, no states have amended their criminal laws based on the TVPRA model.<sup>xxxvii</sup>
18. Also of concern in the U.S. response to human trafficking is its failure to adequately identify and investigate labor trafficking cases; address the intersection between the child welfare system and

human trafficking, and provide coordination and promote collaboration between local, state, and federal agencies to combat human trafficking.<sup>xxxviii</sup>

### *Global Human Rights Obligations*

19. Since 2010, Israel is, by far, the largest recipient of U.S. foreign military assistance. Providing military assistance to Israel in the face of longstanding impunity for human rights crimes represents an ongoing failure of the U.S. to fully implement International Humanitarian Law (IHL) and accountability measures required under the U.S. Leahy Laws.<sup>xxxix</sup>

#### Administration of justice, including impunity and the rule of law

20. In the U.S., legal representation is fundamental to safeguarding access to justice. Yet, millions of people in the U.S. who are poor or low-income are unable to obtain legal representation when facing a crisis such as eviction, foreclosure, domestic violence, workplace discrimination, termination of subsistence income or medical assistance, loss of child custody, or deportation. Indeed, in the U.S., only a small fraction of the legal problems experienced by low-income people—fewer than one in five—is addressed with the assistance of legal representation. Studies show that access to representation can have a significant impact on the outcome of cases.<sup>xl</sup>
21. Approximately 21% of seasonal migrant farmworkers live in employer-owned-and-provided housing.<sup>xli</sup> These employers often refuse to allow legal aid, healthcare, and other outreach workers access to migrant farmworkers and their family-members living in employer-provided housing. The U.S. government supports a number of UPR recommendations from the 2010 review and it has also engaged several initiatives designed to mitigate the lack of a civil right to legal representation, but it does not have a comprehensive or uniform federal and state legal framework concerning this issue.<sup>xlii</sup>

#### Freedom Of Expression, Association, and Peaceful Assembly, And The Right To Participate In Public And Political Life

22. U.S. civil rights laws are being used to harass and intimidate Arab, Muslim and other college students seeking to speak in support of Palestinians' human rights. They do this in opposition to Israeli government policies and practices, or concerning the United States' role in the conflict. Pro-Israel organizations in the U.S. have filed complaints with the U.S. Department of Education (DOE) alleging that speech critical of the state of Israel is inherently anti-Semitic and must be censored to protect Jewish students' civil rights. In response, the DOE has opened investigations disrupting students' lives, sometimes for many years.<sup>xliii</sup>
23. The right to vote free from obstruction is essential to the human right to participate in political life. Widespread racial discrimination persists in the U.S. via obstacles to voting that disproportionately impact people of color in particular people of African, Latino, and Asian descent.<sup>xliv</sup> The re-emergence of obstructive practices such as voter identification laws, district gerrymandering and disenfranchisement of felons has caused vulnerable populations to see their right to vote compromised in significant ways. In June 2013, the Supreme Court struck down a core provision of the 1965 Voting Rights Act making millions of voters from vulnerable communities, particularly black communities, more susceptible to voting discrimination.<sup>xlv</sup>

## Right To Decent Work and Just and Favorable Conditions Of Work

The economic downturn, which had its origins in U.S. financial markets, destroyed jobs, reduced standards of living, heightened risks for ordinary people and drove families deeper into poverty. This was especially true for women and people of color. The financial crisis and economic recovery policies have had an enormous impact on the right of individuals to work. Overall, unemployment rates have fallen since the yearly average of 9.6% in 2010 but the *underemployment rate* remained at an average rate of 21.1 percent in June 2014.<sup>xlvi</sup>

### Right to Family

24. Although some progress has been made since the 2010 UPR, LGBT people in the U.S. are still denied “protections by society and the state” for their families.<sup>xlvii</sup> These include the denial of parental and custodial rights to LGBT parents, the denial of marriage rights to same-sex couples, discrimination and the continuing insufficiencies of social and legal protections for LGBT families in the United States.<sup>xlviii</sup>

### Right To Social Security, an Adequate Standards of Living, Including Rights to Health, Health Care, and Housing

25. The U.S. accepted UPR recommendations to reduce homelessness and reinforce protections for homeless persons, yet homelessness has increased, and there is no entitlement to housing or even basic shelter. Further, homeless people regularly face the degradation of performing basic bodily functions – sitting, eating, sleeping, and going to the bathroom – in public, and are consistently threatened with criminal punishment for doing so.<sup>xlix</sup>

### *The Human Right To Healthcare*

26. The right to health in the U.S. remains unrecognized. The Affordable Care Act does not address the right to healthcare; only the right to purchase health insurance, which does not increase access to actual healthcare. Further, large segments of the population in the US are denied even the right to health insurance based upon their immigration status.<sup>l</sup>
27. Serious violations and discrimination against persons with disabilities and LGBTQI individuals occur daily, often masked as "good intentions" on the part of health professionals.<sup>li</sup> In particular, women and girls with disabilities lack appropriate, consistent, and non-discriminatory access to sexual and reproductive healthcare services.<sup>lii</sup>
28. Discrimination and racism particularly affects African Americans, LGBTQI people and others vulnerable to HIV and living with HIV. Currently, there are no clear federal requirements prohibiting discrimination on the basis of sexual orientation or gender identity in hospitals and urgent care centers nationwide.<sup>liii</sup> Disparities persist in the estimated rate of new HIV infections amongst LGBT people Nearly 60,000 uninsured and low-income people living with HIV reside in states that are not expanding Medicaid, but are otherwise eligible for health benefits.<sup>liv</sup>

### Rights of Migrants, Refugees and Asylum-Seekers

29. Expansion of the U.S. immigration enforcement system has tremendous, negative implications on the protection of the human rights of non-citizens in the U.S.<sup>lv</sup> Despite accepting several UPR recommendations related to protecting human rights in the immigration system the U.S. has

increasingly relied on summary deportation procedures, which fail to guarantee non-citizens' rights to due process, access to counsel, presentation of their case before a judge, and other fundamental safeguards of fairness.<sup>lvi</sup>

### Rights Impacting Youth/Children

30. In the U.S. there is no constitutional provision or national law prohibiting states from subjecting children under 18 to the adult criminal justice system, imposing adult criminal sentences or incarcerating them in adult prison facilities. As a result, on any given day more than 6,000 children are in adult jails and prisons in the United States.<sup>lvii</sup> By far, the vast majority of the youth who are criminalized and incarcerated in adult facilities are racial and ethnic minorities.<sup>lviii</sup> Youth in adult prisons are at high risk of physical and sexual assault.<sup>lix</sup>
31. Children of African descent in the US continue to be a vulnerable population marginalized by persistent race, gender, and economic discrimination. A growing concern is the increased use of psychotropic medications on foster care children, who are prescribed psychotropic medications at rates nine times higher than other children. Continued prejudicial and racist, sexist stereotypes<sup>lx</sup> about African-American girls being angry and aggressive, increase mislabeling diagnoses<sup>lxi</sup> African-American children are diagnosed with higher rates of mood/psychotic and behavior or conduct disorders and prescribed psychotropic medications,<sup>lxii</sup> even to children as young as 5 years old. The side effects and consequences of ingesting psychotropic medications are damaging, debilitating, and life-threatening.<sup>lxiii</sup>
32. An estimated 300,000 predominately Hispanic children harvest produce in the heat, exposed to pesticides, using repetitive motions for 10-14 hours a day. The high school dropout rate for these children is four times the national rate.<sup>lxiv</sup>

### Rights Impacting Sovereign Indigenous Nations and People

33. Southeast Indigenous Peoples, many of who are excluded from the US Bureau of Indian Affairs, suffer from lack of safe food, housing, healthcare (including spiritual), and education. The U.S. today has no consistent system to address violations facing Indigenous Peoples especially the threat of climate change.

### Environmental Rights

34. Throughout the U.S., communities of color and Indigenous Peoples are disproportionately exposed to environmental pollution. In New Mexico for example, they suffer disproportionate health impacts - primarily cancer - from pollution caused by industrial and extractive activities (including uranium mining and processing), yet many are denied effective legal recourse.<sup>lxv</sup>

## End Notes

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<sup>i</sup> More detailed and comprehensive recommendations for action are provided in each coalition stakeholder report submitted in conjunction with this overarching report.

<sup>ii</sup> See, e.g. International Covenant on Civil and Political Rights, art. 2(2); 50, Dec. 16, 1966, 999 U.N.T.S. 171; Human Rights Comm., Gen. Comment No. 18, *Non-Discrimination*, ¶ 5, U.N. Doc. HRI/GEN/1/Rev.9 at 195 (1989), available at <http://www1.umn.edu/humanrts/gencomm/hrcom18.htm>; Gen. Comment No. 31, *Nature of the General Legal Obligation on States Parties to the Covenant*, ¶ 7, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), available at <http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>; International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2, 5, 7, Mar. 7, 1966, 660 U.N.T.S. 195; Comm. On the Elimination of Racial Discrimination, 42nd Sess., March 1-19, 1993, *General Recommendation No. 31, Establishment of National Institutions to Facilitate Implementation of the Convention*, ¶ 1(a)-(e), U.N. Doc. A/48/18 (Supp), 116 (Mar. 19, 1993).

<sup>iii</sup> See Joint Submission *Federal Outreach and Mechanisms to Ensure Human Rights Implementation and the Federal, State and Local Levels* by Columbia Law School Human Rights Institute & The International Association of Official Agencies (IAOHRA)

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<sup>iv</sup> See Columbia Law School Human Rights Institute & International Association of Official Human Rights Agencies, *Closing the Gap: The Federal Role in Respecting and Ensuring Human Rights at the State and Local Level: Response to the Fourth Periodic Report of the United States to the United Nations Human Rights Committee* at 18-19 (2013); available at <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20%28ecopy%29.pdf>.

<sup>v</sup> See *U.S. 2013 CERD Report*, supra note 24, ¶¶ 4; 30 (“the newly established Equality Working Group creates a forum for dialogue between civil society and the federal government on issues of equality and human rights”).

<sup>vi</sup> See Submission *Human Rights Education* by Human Rights Educators USA and US Human Rights Network.

<sup>vii</sup> For more info see *Advancing Human Rights: A Status Report on Human Rights in the U.S.* (2014)

<sup>viii</sup> The Williams Institute, University of California Los Angeles School of Law: *Human Rights Violations of LGBT People in the United States*.

<sup>ix</sup> New York Times, *Senate Approves Ban on Antigay Bias in Workplace*, Nov 7, 2013.

<sup>x</sup> The Cold Case Justice Initiative at Syracuse University School of Law played a substantial role in drafting the NAACP & SCLC 2013 annual national convention resolutions calling for the U.S. Attorney General to fully implement the Emmett Till Unsolved Civil Rights Crime Act <http://www.syr.edu/coldcaselaw/announcements/ccji-naacp-resolution.html>

<sup>xi</sup> Erika Harrell, *Crime Against Persons with Disabilities, 2008-2010 – Statistical Tables*, P. 3 (2011), available at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2238>.

<sup>xii</sup> See Department of Defense, SAPRO, “Fiscal Year 2013 Annual Report on Sexual Assault in the Military,” (2014), pg. 45, available at: [http://sapr.mil/public/docs/reports/FY13\\_DoD\\_SAPRO\\_Annual\\_Report\\_on\\_Sexual\\_Assault.pdf](http://sapr.mil/public/docs/reports/FY13_DoD_SAPRO_Annual_Report_on_Sexual_Assault.pdf).

<sup>xiii</sup> As protected under art. 14 and 26 ICCPR; Art. 7, 8 and 10 UDHR.



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<sup>xiv</sup> Cornell Law School's Avon Global Center for Women and Justice and Global Gender Justice Clinic: *Sexual Violence In The U.S. Military*.

<sup>xxv</sup> See article by Breanna Edwards. *4 Dead Unarmed Men and the Police : What you Need to Know*. Available at [http://www.theroot.com/articles/culture/2014/08/4\\_dead\\_unarmed\\_men\\_and\\_the\\_police\\_what\\_you\\_need\\_to\\_know.html](http://www.theroot.com/articles/culture/2014/08/4_dead_unarmed_men_and_the_police_what_you_need_to_know.html)

<sup>xvi</sup> The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights with the Lawyers' Committee for Civil Rights Under Law and the National Association for the Advancement of Colored People (NAACP): *Slow Progress: Combating Discrimination and Pushing for Domestic Implementation of Human Rights Obligations*

<sup>xvii</sup> [http://topics.nytimes.com/top/reference/timestopics/organizations/j/justice\\_department/index.html?inline=nyt-org](http://topics.nytimes.com/top/reference/timestopics/organizations/j/justice_department/index.html?inline=nyt-org)

<sup>xviii</sup> The Advocates for Human Rights, The Greater Caribbean for Life and The Puerto Rican Coalition against the Death Penalty: *United States' Compliance With Its Human Rights Obligations With Regard To Its Use Of The Death Penalty*. (Not Official Title).

<sup>xix</sup> U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review, United States, U.N. Doc. A/HRC/16/11 (4 Jan. 2011), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/100/69/PDF/G1110069.pdf?OpenElement>. Paras. 48-50, 95, 118-135

<sup>xx</sup> 178 U.S. GOV'T ACCOUNTABILITY OFFICE, GAO GGD-90-557, DEATH PENALTY SENTENCING: RESEARCH INDICATES PATTERN OF RACIAL DISPARITIES, 5 (Feb. 1990) [hereinafter GAO GGD-90-557].

<sup>xxi</sup> David Baldus et al, *Racial Discrimination and the Death Penalty in the Post-Furman Era: An Empirical and Legal Overview, With Recent Findings from Philadelphia*, 83 CORNELL. L. REV. 1638 (1998); GAO GGD-90-557, *supra* note 23, at 6.

<sup>xxii</sup> Matt Pearce et al., *Arizona Killer Takes 2 Hours to Die, Fueling Lethal-Injection Debate*, L.A. TIMES, July 23, 2014, <http://www.latimes.com/nation/nationnow/la-na-nn-arizona-execution-20140723-story.html>.

<sup>xxiii</sup> The Advocates for Human Rights, The Greater Caribbean for Life and The Puerto Rican Coalition against the Death Penalty: *United States' Compliance With Its Human Rights Obligations With Regard To Its Use Of The Death Penalty*.

<sup>xxiv</sup> Center for Constitutional Rights (CCR), Legal Services for Prisoners with Children (LSPC), California Prison Focus (CPF): *The Use Of Prolonged Solitary Confinement In United States Prisons, Jails, And Detention Centers*.

<sup>xxv</sup> Center for Constitutional Rights (CCR), Legal Services for Prisoners with Children (LSPC), California Prison Focus (CPF): *The Use Of Prolonged Solitary Confinement In United States Prisons, Jails, And Detention Centers*.

<sup>xxvi</sup> National Jericho Movement, <http://www.thejerichomovement.com/prisoners.html> ; Myer, Matt, *Let Freedom Ring: A Collection of Documents from the Movements to Free U.S. Political Prisoners* (Oakland, 2008).

2 Officials from the FBI and the New Jersey State Police made the announcement this morning during a press conference, noting that the FBI is offering a reward of up to \$1 million for information leading to the apprehension of Chesimard, who is believed to be living in Cuba under political asylum. Additionally, the state of New Jersey is offering an independent reward of up to \$1 million, bringing the total maximum

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reward to \$2 million, 05/02/13. <http://www.fbi.gov/news/stories/2013/may/joanne-chesimard-first-woman-named-most-wanted-terrorists-list/joanne-chesimard-first-woman-named-to-most-wanted-terrorists-list> ; Assata Shakur and a Brief History of the FBI's Most Wanted Lists, [http://colorlines.com/archives/2013/05/assata\\_shakur\\_and\\_a\\_brief\\_history\\_of\\_the\\_fbis\\_most\\_wanted\\_list.s.html](http://colorlines.com/archives/2013/05/assata_shakur_and_a_brief_history_of_the_fbis_most_wanted_list.s.html); Assata Shakur was convicted of murder. Is she a terrorist? [http://www.washingtonpost.com/lifestyle/style/assata-shakur-was-convicted-of-murder-is-she-a-terrorist/2013/05/08/69acb602-b7e5-11e2-aa9e-a02b765ff0ea\\_story.html](http://www.washingtonpost.com/lifestyle/style/assata-shakur-was-convicted-of-murder-is-she-a-terrorist/2013/05/08/69acb602-b7e5-11e2-aa9e-a02b765ff0ea_story.html); Angela Davis and Assata Shakur's Lawyer Denounce FBI's Adding of Exiled Activist to Terrorists List, [http://www.democracynow.org/2013/5/3/angela\\_davis\\_and\\_assata\\_shakurs\\_lawyer](http://www.democracynow.org/2013/5/3/angela_davis_and_assata_shakurs_lawyer)

<sup>3</sup> Churchill, Ward and Wall, Jim Vander, *The COINTELPRO PAPERS: Documents From the FBI's Secret Wars Against Dissent in the United States*, South End Oress Classics, 1990 and 2002); Glick, Brian and Smith, Abbe, "Covert Action Against U.S. Activists and What We Can Do," (South End Press, 1989), p.11, <http://whatreallyhappened.com/RANCHO/POLITICS/COINTELPRO/gjp3.html> ; "Political Repression - Political Prisoners," USA UN Universal Periodic Review, Ninth Session of the Working Group on the UPR Human Rights Council, 22 November - 3 December 2010, pp 148-159, Submitted by: National Conference of Black Lawyers , Malcolm X Center for Self Determination, Endorsed by 42 organizations and 50 individuals; [http://www.ushrnetwork.org/sites/ushrnetwork.org/files/us\\_political\\_prisoners\\_joint\\_report.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/us_political_prisoners_joint_report.pdf), [http://www.ushrnetwork.org/sites/ushrnetwork.org/files/political\\_prisoners\\_summary.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/political_prisoners_summary.pdf) ; USA POLITICAL REPRESSION: CONTINUUM OF DOMESTIC REPRESSION, Submission to the UN Universal Periodic Review Ninth Session of the Working Group on the UPR Human Rights Council , Submitted by: African American Institute for Policy Studies & Planning ,October 22nd Coalition, Ida B. Wells Media Institute, 1-12 November 2010, Geneva, pp. 161-169, [http://www.ushrnetwork.org/sites/ushrnetwork.org/files/political\\_repression\\_joint\\_report.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/political_repression_joint_report.pdf) ; [http://www.ushrnetwork.org/sites/ushrnetwork.org/files/us\\_state\\_repression\\_summary.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/us_state_repression_summary.pdf)

<sup>xxvii</sup> Malcolm X Center For Self Determination (MXC) and Jericho Movement For Amnesty & Freedom Of All (U.S.) Political Prisoners: *No Access To Justice: Political Repression – Political Prisoners; Imprisoned COINTELPRO / U.S. Civil Rights Era HR Defenders, Political Activists*

<sup>xxviii</sup> Malcolm X Center For Self Determination (MXC) and Jericho Movement For Amnesty & Freedom Of All (U.S.) Political Prisoners: *No Access To Justice: Political Repression – Political Prisoners; Imprisoned COINTELPRO / U.S. Civil Rights Era HR Defenders, Political Activists*

<sup>xxix</sup> Bureau of Justice Statistics at the Department of Justice National Inmate Survey 2011-2012, *available at* <http://www.bjs.gov/content/pub/pdf/pdca12.pdf> ("Among heterosexual males, an estimated 3.5% reported being sexually victimized by another inmate. In comparison, among males who were bisexual, 34% reported being sexually victimized by another inmate. Among males who were homosexual or gay, 39% reported being victimized by another inmate.") Inmates who reported their sexual orientation as gay, lesbian, bisexual, or other were among those with the highest rates of sexual victimization in 2011-12. Among non-heterosexual inmates, 12.2% of prisoners and 8.5% of jail inmates reported being sexually victimized by another inmate; 5.4% of prisoners and 4.3% of jail inmates reported being victimized by staff. In each demographic subgroup (sex, race or "Hispanic origin," age, and education), non-heterosexual prison and jail inmates reported higher rates of inmate-on-inmate sexual victimization than heterosexual inmates. Among inmates with serious psychological distress, non-heterosexual inmates reported the highest rates of inmate-on-inmate sexual victimization (21.0% of prison inmates and 14.7% of jail inmates).

<sup>xxx</sup> Lambda Legal: *Human Rights Abuses Related To The Criminalization And Incarceration Of LGBT People And People With HIV In The United States*

<sup>xxxi</sup> Black Women's Blueprint: Report on Racial Discrimination and Sexual Violence Against Women of Color, Including Those Identifying as LGBTQ and the Impact of Inadequate Racial Justice Initiatives and Violence Prevention Policy Implementation in the United States,

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<sup>xxxii</sup> Black Women’s Blueprint: Report on Racial Discrimination and Sexual Violence Against Women of Color, Including Those Identifying as LGBTQ and the Impact of Inadequate Racial Justice Initiatives and Violence Prevention Policy Implementation in the United States,

<sup>xxxiii</sup> *Center for HIV Law and Policy. A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV (May 2014). Available at: [http://www.hivlawandpolicy.org/sites/www.hivlawandpolicy.org/files/Roadmap\\_For\\_Change\\_full\\_report.pdf](http://www.hivlawandpolicy.org/sites/www.hivlawandpolicy.org/files/Roadmap_For_Change_full_report.pdf)*

<sup>xxxiv</sup> Best Practices Policy Project, Desiree Alliance, Sex Workers Outreach Project – NYC Chapter (SWOP-NYC): *Addressing the Human Rights Violations of Sex Workers and People Impacted by the Sex Trade in the United States.*

<sup>xxxv</sup> Best Practices Policy Project, Desiree Alliance, Sex Workers Outreach Project – NYC Chapter (SWOP-NYC): *Addressing the Human Rights Violations of Sex Workers and People Impacted by the Sex Trade in the United States.*

<sup>xxxvi</sup> International Women’s Human Rights Clinic, City University of New York and Trafficking Victims Advocacy Project, Legal Aid Society New York: *Criminalization of Trafficking Victims*

<sup>xxxvii</sup> *Ibid.*

<sup>xxxviii</sup> *Ibid.*

<sup>xxxix</sup> American Friends Service Committee (AFSC), Center for Constitutional Rights (CCR), Rachel Corrie Foundation for Peace and Justice (RCF), US Campaign to End the Israeli Occupation: *U.S. Human Rights Obligations With Respect To The Protection Of The Palestinian People And Human Rights Defenders*

<sup>xl</sup> LEGAL SERVS. CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL NEEDS OF LOW INCOME AMERICANS 1 (Sept. 2009), *available at* [http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf).

<sup>xli</sup> Southern Poverty Law Center, Who Are Farmworkers? (2010), <http://www.splcenter.org/sexual-violence-against-farmworkers-a-guidebook-for-criminal-justice-professionals/who-are-farmworke>.

<sup>xlii</sup> For more information, see Joint Submissions: *Access To Counsel In Civil Cases*, Columbia Law School Human Rights Institute: *AND Isolated By Force: Migrant Farmworkers Fight For Access To Justice And Health Care In The United States*, Human Rights And Legal Aid Organizations Working With Migrant Farmworkers In The United States.

<sup>xliii</sup> Human Rights Committee considers report of the United States, Mar. 14, 2014, *available at* <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14383&LangID=E>.

<sup>xliv</sup> The Leadership Conference Education Fund, The Leadership Conference on Civil and Human Rights, Lawyers’ Committee for Civil Rights Under Law, & National Association for the Advancement of Colored People: *Falling Further Behind: Combating Racial Discrimination in America*

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<sup>xlvi</sup> “Towards a Human Rights-Centered Macroeconomic and Financial Policy in the US.” Center for Women’s Global Leadership Rutgers University. 2010. <http://cwgl.rutgers.edu/program-areas-151/economic-a-social-rights/united-nations-advocacy>

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<sup>xlvii</sup> United Nations Declaration of Human Rights, art. 16(3).

<sup>xlviii</sup> National Center for Lesbian Rights (NCLR): *Report on the United States' Compliance with Its Human Rights Obligations in the Area of The Family Relationships of Lesbian, Gay, Bisexual, and Transgender People*.

<sup>xlix</sup> National Law Center on Homelessness & Poverty, Chair, US Human Rights Network UPR Housing Working Group: *Housing and Homelessness in the United States of America*

<sup>l</sup> The Vermont Workers Center (VWC): *The Human Right To Healthcare*

<sup>li</sup> Medical Whistleblower Advocacy Network

<sup>lii</sup> The National Center for Health Statistics found that as of 2005 [the study was published in 2008, but refers to data from 2001-2005], 65-71% of women with disabilities have had a Pap test compared to 83% of women without disabilities. Current State of Health Care, *supra* note 77, pg. 41 (2009). See also Elizabeth Pendo, *Reducing Disparities through Health Care Reform: Disability and Accessible Medical Equipment*, 4 Utah L. Rev. 1057, 1065 (2010) [hereinafter *Reducing Disparities*]; Drew Rivera et al., *Disability and Pap Smear Receipt among U.S. Women, 2000 and 2005*, 42 PERSP. ON SEXUAL AND REPROD. HEALTH, 258-66 (2010).

<sup>liii</sup> HIV Prevention Justice Alliance (HIV PJA): *HIV Criminalization, Poverty, and Health care Access*.

<sup>liv</sup> *National Transgender Discrimination Survey Report on Health and Health Care*, (examining experiences of discrimination by transgender people in the US health system.)

<sup>lv</sup> See NAT'L IMMIGR. FORUM, SUMMARIES OF RECENT IMMIGRATION ENFORCEMENT REPORTS (Apr. 2010) (summarizing 20 reports of human rights and other violations issued by both non-governmental organizations and the U.S. government since the end of 2008), available at <http://www.immigrationforum.org/images/uploads/2010/EnforcementReportSummaries.pdf>.

<sup>lvi</sup> These programs include stipulated orders of removal. Stipulated orders are essentially plea agreements negotiated directly between the detaining officer and the detained alien, without access to counsel, in which the alien admits to deportability, waives all rights to a hearing on any defenses to deportation, and agrees to be removed from the United States. While ICE and EOIR do not release statistics on the number of stipulated removals, an estimated 100,000 stipulated removal orders were issued between 2004 and 2008 according to the Migration Policy Institute. MIGRATION POLICY INSTITUTE, IMMIGRATION ENFORCEMENT IN THE UNITED STATES: THE RISE OF A FORMIDABLE MACHINERY (Jan. 2013), available at <http://www.migrationpolicy.org/pubs/enforcementpillars.pdf>.

<sup>lvii</sup> The combined single day count for youth in adult jails and prisons in 2012 was over 6,800. This figure combines counts of children in adult prisons on December 31, 2012 and children in adult jails on June 30, 2012. See e.g., Todd D. Minton, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, JAIL INMATES AT MIDYEAR 2012 – STATISTICAL TABLES, 5 tbl. 2 (2013) available at: <http://www.bjs.gov/content/pub/pdf/jim12st.pdf>; E. Ann Carson, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2012: TRENDS IN ADMISSIONS AND RELEASES, 1991-2012, 26 (2013) available at: <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>.

<sup>lviii</sup> HRW, Human Rights Watch, *Branded for Life*, p.4. Available at: <http://www.hrw.org/node/124345/section/5>; Black boys make up 27.2 percent of children received by the juvenile justice system, but account for 51.4 percent of transfers to the adult system. White boys make up 28 percent of children received by the juvenile justice system, but account for only 24.4 percent of transfers. *Id.*; Weemhoff & Staley, p. 11 (“In 2012, 59 percent of youth who were waived or designated as adults were Black or African American, even though Black youth only make up 18 percent of the youth population statewide.”); U.S. Census Bureau (2010), Profile of General Population and Housing Characteristic of New

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York, retrieved from:

[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_DP\\_DPDP1.;](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1.;) *Criminal Justice Case Processing of 16-17 Year Olds, Prepared by New York Division of Criminal Justice Services, Office of Justice Research and Performance, January 4, 2013*, p. 3 and Table 6a, available at: <http://www.cardozo.yu.edu/sites/default/files/Criminal%20Justice%20Case%20Processing%20of%2016-17%20Year%20Olds.pdf>.

<sup>lix</sup> 77 Fed. Register 119 (June 20, 2012), p. 37128 (noting that state prison inmates under 18 were more than 8 times more likely to have a substantiated incident of sexual abuse than the average inmate) available at <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf>

<sup>lx</sup> Morris, M. "Race, Gender And The School-to-Prison Pipeline: Expanding Our Discussion To Include Black Girls." September 2012. <http://aapf.org/wp-content/uploads/2012/08/Morris-Race-Gender-and-the-School-to-Prison-Pipeline.pdf>.

<sup>lxi</sup> McNeil, C., Capage, L., and Bennett, G. "Cultural Issues in the Treatment of Young African-American Children Diagnosed with Disruptive Behavior Disorders." *Journal of Pediatric Psychology*. July 1, 2001. <http://jpepsy.oxfordjournals.org/content/27/4/339.full>; Roberts, Dorothy. "Fatal Intervention." *The New Press*. New York. p. 94-95. (2011).

<sup>lxii</sup> "Mental Health Surveillance Among Children — United States, 2005–2011" - Centers for Disease Control and Prevention, May 17, 2013. <http://www.cdc.gov/mmwr/preview/mmwrhtml/su6202a1.htm#Tab2>; Nauert, R., Ph.D. "Child's Mental Health Diagnosis Influenced by Ethnicity." May 20, 2008. <http://psychcentral.com/news/2008/05/20/childs-mental-health-diagnosis-influenced-by-ethnicity/2317.html>

<sup>lxiii</sup> In 2014, the ICERD Committee, in paragraph 26, requested the US Government to provide at its next periodic review, detailed information concerning the rate that African-American children in foster care are being prescribed psychotropic medications.

<sup>lxiv</sup> <http://roybal-allard.house.gov/news/documentsingle.aspx?DocumentID=130055>

<sup>lxv</sup> Multicultural Alliance for a Safe Environment (MASE) with the assistance of the New Mexico Environmental Law Center: *No Start Up Until Clean Up: Human Rights and the Impacts of Uranium Mining and Processing in the United States*.