



United States' Compliance with the
International Covenant on Civil and Political Rights

The Leadership Conference on Civil and Human Rights
Suggested List of Issues to Country Report Task Force on the United States

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Introduction

The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership to promote and protect the civil and human rights of all persons in the United States. Founded in 1950 by A. Philip Randolph, Arnold Aronson, and Roy Wilkins, The Leadership Conference works in support of policies that further the goal of equality under law through legislative advocacy and public education. The Leadership Conference's more than 200 national organizationsⁱ represent persons of color, women, children, organized labor, persons with disabilities, the elderly, gays and lesbians, and major religious groups. Since its inception, The Leadership Conference has worked to ensure that all persons in the United States are afforded civil and human rights protections under the U.S. Constitution and in accordance with international human rights obligations.

The United States has a long history of recognizing human rights principles, yet at home it has often fallen short. As I noted in the foreword to *"Road to Rights: Establishing a domestic human rights institution in the United States,"* the Declaration of Independence set forth the American Creed: All persons have rights that must be respected by virtue of our humanity. This basic belief in human rights undergirds the Constitution, the Bill of Rights, the Emancipation Proclamation, the Reconstruction Amendments, the landmark legislation for civil rights, voting rights, and women's rights, and all other documents that built and improved upon American democracy from generation to generation. Although these principles theoretically have always provided protection for everyone, we cannot ignore the fact that the vision of "all men are created equal" that our Founders espoused assuredly excluded enslaved African Americans and impoverished Whites from the new democracy. Few if any at that time believed that this ideal of freedom and liberty extended to the entire human family. Fortunately, the genius of American democracy is its capacity for self-correction through the people's exercise of their human rights. As Justice Thurgood Marshall declared in his address commemorating the bicentennial of the Constitution, the nation needed "several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today."ⁱⁱ

While the United States' journey towards justice and equality for its citizens has been challenging, historically it has inspired countries around the world to embrace a vision of human dignity and equality. The U.S. has led the way in promoting human rights principles abroad, playing a critical role in the drafting of the Universal Declaration of Human Rights (UDHR). Further, over the last six decades, the U.S. government has spoken out fervently to condemn violations and advance human rights abroad. The U.S. first joined the Human Rights Council in 2010 and recently was re-elected for a second term.

Yet, there remains an inconsistency between the ideals the nation professes and the reality of its practices. While it is true that U.S. laws and policies are comparatively advanced in protecting civil rights, the gap in U.S. law and policy as it relates to the protection of universal human rights recognized by the UDHR is striking, especially in the areas of economic inequality, racial

discrimination, and criminal justice. The U.S. government has fallen short of fully implementing its obligations, particularly under the International Convention on Civil and Political Rights (ICCPR), as discussed below, as well as under the Convention on the Elimination of All Forms of Racial Discrimination (CERD). In both instances, the U.S. government has failed through legislative or executive means to take affirmative steps to fully integrate the provisions of the treaty into U.S. law and policy. U.S. accountability for its treaty obligations has in effect become limited to its periodic reporting to the Committee. The Leadership Conference, in collaboration with other non-governmental organizations, has endeavored to hold the U.S. accountable for its international commitments. We continue to monitor U.S. compliance with ICCPR and CERD through the reporting process; to engage with the administration, pressing for full implementation of its treaty obligations; and to advocate for the creation of an independent national mechanism to monitor compliance with human rights obligations here at home.ⁱⁱⁱ

The primary goal of this report is to provide the ICCPR Committee with information on the state of human rights in the United States. We acknowledge that the U.S. report to the Committee included many areas where demonstrable improvements have been made. However, we must also highlight those areas where the report falls short in providing concrete information on ICCPR implementation. While the U.S. report to the Committee includes many issues of concern to The Leadership Conference, our submission focuses on two key human rights violations within the United States: felony disenfranchisement and de facto racial segregation in education. These are two areas where we believe the U.S. has not undertaken adequate efforts to implement the provisions of the ICCPR and have disregarded the recommendations of the Committee. In its report, the United States indicates that both of these areas are under the control of the states. However, this does not excuse the U.S. government from its human rights obligations or from providing incentives and education to state and local authorities to uphold U.S. human rights obligations.

One of the strengths of American democracy lies in our belief in the protection and realization of universal civil and human rights for all people at home and abroad. The Leadership Conference remains committed to building an America that is as good as its ideals – an America that affords everyone access, free from discrimination, to a basic education, housing, health care, collective bargaining rights in the workplace, economic opportunity, and financial security. The right to education and the right to vote are fundamental to the attainment and preservation of each of these rights and are essential to our democracy. We encourage the Obama administration to use the opportunity of its second term to take affirmative steps toward full implementation of its human rights obligation by reducing inequality in our society. We look forward to working with the administration and the ICCPR Committee to address these concerns and bring the United States into full compliance with its obligations under the ICCPR.

Wade Henderson
President & CEO
The Leadership Conference on Civil and Human Rights

1. **Felony Disenfranchisement** (Article 25 (Access to the political system))

I. Issue Summary

When it comes to the denial of the right to vote for persons with felony convictions, the United States is one of the harshest nations in the world. The felony disenfranchisement laws, policies and practices of the United States are inconsistent with general principles of international human rights law, norms and standards. These practices are not only in direct violation of U.S. obligations under the International Covenant on Civil and Political Rights (ICCPR), but they also contravene the principles as established by the Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the American Declaration of the Rights and Duties of Man (ADRDM).

Although the right to vote and the right to be free from discrimination have long been recognized internationally, the longstanding disenfranchisement policies of the United States disproportionately deprive minority and marginalized populations of voting rights. Furthermore, in those states where restoration of rights is possible, the cumbersome reinstatement procedures often make it very difficult for those individuals with felony convictions to regain their right to vote.^{iv} The United States leads the world in the rate of incarcerating its own citizens, with an estimated 2.3 million people currently imprisoned and an estimated 700,000 people released from state and federal prison each year.^v As the population of those under criminal justice supervision increased over the last three decades, the number of people disenfranchised due to a felony conviction grew significantly. In 1976 there were an estimated 1.17 million people disenfranchised. That grew to 3.34 million in 1996 and to more than 5.85 million in 2010. These numbers are even more appalling when one considers that only about one-fourth of the total disenfranchised population is currently incarcerated – meaning an estimated 4 million people are living, working, and paying taxes in their communities, yet they are unable to participate fully in our democracy through voting.^{vi}

As a result, the United States currently bars one in 40 adults from voting due to a current or previous felony conviction, most of which were non-violent in nature.^{vii} When we look at the discriminatory impact on minorities, the disparities are stark. For example, one of every 13 African Americans is disenfranchised, a rate more than four times greater than for non-African Americans. Nearly 7.7 percent of the African-American population is disenfranchised compared to 1.8 percent of the non-African-American population.^{viii} This not only has a detrimental impact on individuals, but it cumulatively impacts the greater society as a whole. In effect, the United States has established a system of second-class citizenry for those who have been incarcerated. The scope and impact of these disenfranchisement laws in the United States are harsher than any other democracy, especially with regard to the continued deprivation of rights after incarceration.^{ix} Each state in the United States has established its own laws with regard to the deprivation of the right to vote after a criminal conviction, creating a patchwork of laws throughout the country. Thirty-five states prohibit voting by persons who are on parole but not incarcerated; 30 deny voting rights to persons on felony probation; 11 states restrict the rights of

persons who have completed their sentences in their entirety; and formerly incarcerated persons in the 11 states make up about 45 percent of the entire disenfranchised population, totaling more than 2.6 million people.^x Four states deprive all people with a criminal conviction of the right to vote unless pardoned by the governor, irrespective of the gravity of the crime or if the sentence has been served.^{xi} Accordingly, African-American disenfranchisement rates also vary significantly by state. In three states – Florida (23 percent), Kentucky (22 percent) and Virginia (20 percent) – more than one in five African Americans cannot vote.^{xii}

While there have been some significant legal changes in recent decades at the state level,^{xiii} overall rates of disenfranchisement have not been reduced. While states generally provide some mechanism for disenfranchised persons and formerly incarcerated person to restore the right to vote, these vary widely in scope, eligibility, requirements and reporting practices. Although it is difficult to ascertain consistent information about the rate and number of persons whose rights have been restored, preliminary data suggests that in those states that disenfranchise beyond sentence completion, the percentage of restoration ranges from less than 1 percent to 16 percent.^{xiv} Thus, it is clear that the vast majority of persons in these states remain disenfranchised.

At the federal level, advocates have pushed for legislation – the Democracy Restoration Act (DRA) – that would restore voting rights in federal elections to all persons with felony convictions upon sentence completion. Public opinion research shows that a significant majority of the American population would support restoration of voting rights for persons who are on probation and parole, as well as for persons who have completed their sentences. Unfortunately, there has been little support in Congress for passage of the legislation. Yet if changes were made at least at the federal level, 4 million Americans who are currently barred from participating fully in our democracy would at least have the opportunity to vote for the President and their representation in Congress. The U.S. cannot continue to disregard the Committee's recommendations and deny such a large portion of its population the right to fully participate in its democracy.

II. Concluding Observations from 2006

In paragraph 35 of its Concluding Observations, the Committee recommended that the United States should adopt appropriate measures to ensure that states restore voting rights to citizens who have fully served their sentences and those who have been released on parole. The Committee also recommended that the United States review regulations relating to deprivation of voting rights for felony conviction to ensure that they always meet the reasonableness test of article 25. The Committee further recommended that the United States assess the extent to which such regulations disproportionately impact on the rights of minority groups and provide the Committee detailed information in this regard.^{xv}

III. U.S. Government Report

In its Fourth Periodic report to the ICCPR Committee, the United States cites the 14th Amendment to the U.S. Constitution as the legal principle upon which states are given authority to deny the right vote “for participation in rebellion or other crime.” The federal government acknowledges that the issue of felony disenfranchisement is a matter of continuing debate in the United States and that these laws have been criticized for both weakening our democracy and the disproportionate impact they have on racial minorities. The U.S. points to some changes at the state level as evidence of progress, yet it acknowledges that the vast majority of states continue to impose some restriction to voting for formerly incarcerated persons. Finally, the federal government briefly notes the introduction of the Democracy Restoration Act (DRA) in Congress, which would create uniform standards restoring voting rights in federal elections to persons with felony convictions who have completed their sentences. However, the U.S. fails to affirmatively state the government’s position on the legislation.^{xvi}

IV. Other UN and Regional Human Rights Bodies Recommendations

The Organization of Security and Cooperation in Europe (OSCE) has observed every presidential election in the U.S. since 1996 and most recently deployed a limited election observation mission in the 2012 elections. In each of the OSCE’s final reports and in its preliminary report of findings after the 2012 election, the OSCE notes that the United States method and practice of disenfranchising a large populous of its citizens is contrary to international law, norms and standards.^{xvii} The OSCE has consistently noted, “The deprivation of the right to vote is a severe penalty and it should be proportionate to the underlying crime. In addition, once a sentence has been served, authorities should take effective measures to facilitate the restoration of voting rights.”^{xviii}

V. Recommended Questions

1. What is the current policy rationale for prohibiting persons with felony convictions from voting in federal elections once they have completed their sentence?
2. How does the United States plan to address the disproportionate impact that disenfranchisement laws have on minority populations? What legal mechanisms can the government employ at the state level to ensure that disparate treatment of minorities as it relates to felon disenfranchisement is addressed?
3. What steps has the current administration taken to educate the general public about felony disenfranchisement laws?
4. What steps has the current administration taken to encourage members of Congress to support passage of the Democracy Restoration Act?
5. Why hasn’t the U.S. taken affirmative steps to restore voting rights at the federal and state level to persons living in the community (either probation, parole or having completed a sentence), given that the probation/parole bans are still far more restrictive than other industrialized nations, conflict with current Department of Justice and the Bureau of Prisons support for reentry programming, and do not further the goals of sentencing?

6. How will the United States work to ensure that in states where automatic restoration of rights is guaranteed, persons are made aware of the procedural steps required to access the right vote?

VI. Suggested Recommendations

1. The United States should take affirmative steps to fully implement the Committee's recommendations by publicly supporting passage of the Democracy Restoration Act (DRA) and working to educate members of Congress and the public about its benefits.
2. The United States should update the 2001 report of the National Commission on Federal Election Reform, chaired by former Presidents Carter and Ford, which recommended that all states restore voting rights to citizens who have fully served their sentences.^{xix}
3. The administration should commission an independent report to study the impact of felony disenfranchisement laws on minority populations?
4. The federal government should create incentives for the states to do the following:

(a.) Automatic Restoration: encourage automatic restoration of voting rights upon release from prison; ensure that restoration is not contingent upon payment of fees, fines, restitution, or legal financial obligations; citizens released from prison may not be released from liability for payment, but the debt will not preclude exercise of the franchise;

(b.) Notice: encourage states to provide notice to ensure criminal defendants are informed: (1) before conviction and sentencing to prison, that they will lose their voting rights; and (2) upon release from prison that they are again eligible to register and vote;

(c.) Voter Registration: make the Department of Corrections and Probation and Parole authorities responsible for assisting with voluntary voter registration; ensure all citizens are subject to the same application procedures.^{xx}

2. Discrimination in Schools (Article 2 (Equal protection of rights in the covenant); Article 26 (Equality before the Law))

I. Issue Summary

Public education in the United States is plagued by deepening racial and economic segregation that negatively affects children of African, Latino, Native American and Southeast Asian descent, as well as children with disabilities, low-income students, and English language learners. The segregation of these students is highly correlated with diminished student achievement and outcomes. The recent report *E Pluribus...Separation* (2012), from the Civil Rights Project at UCLA, describes a subset of schools as "intensely segregated," "apartheid schools" and "dropout factories" to underscore the deep race- and class-based segregation, resource deprivation, lower academic expectations, overcrowded classes, less experienced and less qualified teachers, substandard facilities, safety concerns, and management dysfunction that characterize them.

These segregated schools persist despite the 1954 U.S. Supreme Court decision in *Brown v. Board of Education of Topeka* (347 U.S. 483), which outlawed segregation and established that separate education is inherently unequal, and ensuing civil rights legislation. These practices are not only in violation of the United States obligations under the International Covenant on Civil and Political Rights (ICCPR), but also contravene principles as established by the Universal Declaration of Human Rights (UDHR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

In the 2009-2010 school year, 74 percent of African-American students and 80 percent of Latino students attended majority-minority schools, where most of their classmates are non-White. The trend continues as 38 percent of African Americans and 43 percent of Latinos attend intensely segregated schools, where 90 to 100 percent of students are non-White. Alarming, 18 percent of African-American students and 11 percent of Latino students attended so-called “apartheid schools,” which are 99 to 100 percent non-White.^{xxi} The negative effects of racially or economically isolated schooling are well documented: “Racially and socioeconomically isolated schools are strongly related to an array of factors that limit educational opportunities and outcomes. These include less experienced and less qualified teachers, high levels of teacher turnover, less successful peer groups and inadequate facilities and learning materials.”^{xxii}

An outcome of the deeply segregated and racially and economically isolated American education system is severe achievement gaps between students of color and White students. In 2010, the National Assessment of Educational Progress (NAEP) reported that half of African-American and Latino fourth-graders lacked even a basic level of reading and literacy skills, compared to 22 percent for Whites. In mathematics, only 12 percent of African-American students and 18 percent of Latino students have reached levels of “proficient” or “advanced,” compared to 33 percent for Whites.^{xxiii} These disparities are exacerbated by disproportionate dropout rates. In 2010, African-American students dropped out of high school at an annual rate of 8 percent and Latinos at a rate of 15 percent, while their White counterparts exit school prematurely at a rate of 5 percent.^{xxiv}

School funding has largely been delegated to the states. The federal government provides approximately 10 percent of school-based funding, the majority of which comes through targeted funding under Title I of the Elementary and Secondary Education Act (ESEA). Based on concentration of poverty, the federal government provides funds to supplement state and local funding. However, the “supplement-not-supplant” and “comparability” requirements in the Act are often undermined. Rather than using Title I^{xxv} dollars as additional resources to supplement the level of funding already afforded schools serving low-income students, states and districts will often use federal funds in lieu of state or local dollars.

Inequitable and inadequate state and district funding systems also contribute to racial and economic segregation and isolation and exacerbate resource inequity. In *Is School Funding Fair? A National Report Card* by the Education Law Center (2012), the authors argue that current measures of school funding are inadequate and fail to accurately capture the impact of poverty concentration, funding level and inequitable distribution of resources. The study reveals that 16

states have regressive funding systems where schools serving students with higher concentrations of poverty are afforded less resources; furthermore, 15 states have flat funding, which demonstrates no discernible difference in funding between high- and low-poverty districts. Finally, 17 states have progressive funding systems, which allot greater resources to higher poverty schools.^{xxvi} As a result, the impact of poverty and economic segregation is inconsistently addressed across the country; even in those states with progress funding systems, high-poverty schools are nevertheless underfunded. For example, in 2011 a state court in Colorado ruled in *Lobato v. Colorado* that the state's education system is wholly inadequate, inequitable and makes achieving college-and-career readiness impossible. The court then ordered the state "to design, enact, fund, and implement a system of public school finance that provides and assures that adequate, necessary, and sufficient funds are available in a manner rationally related to accomplish the purposes of the Education Clause and the Local Control Clause"^{xxvii} in the Colorado Constitution. It is imperative that individuals are afforded legal avenues to remedy disparate impact created through inadequate and inequitable school funding.^{xxviii}

Similar to school funding systems, segregation and isolation creates inequitable access to experienced and effective teachers, which has severe consequences for student outcomes since teachers can have the most powerful impact on positive student achievement.^{xxix} Although it is an imperfect measure, per-pupil expenditure inequities are most acutely felt through the concentration of inexperienced and less prepared teachers in schools serving low-income and minority students. To overcome achievement gaps and increase graduation rates, it is essential that all students have access to effective teaching.

Another devastating feature of U.S. public schools – both segregated schools, as well as those with more diversity – is the overuse of exclusionary discipline practices, which not only serve to negatively impact a student's academic outcomes, but also increase his or her likely engagement with the juvenile justice system. According to the U.S. Department of Education's recently released Civil Rights Data Collection, African-American students are 3.5 times more likely than their White peers to be suspended, and students with disabilities are more than twice as likely to receive more than one out-of-school suspension.^{xxx} Furthermore, according to *Breaking Schools' Rules* by The Council of State Governments Justice Center (2011), a "suspension or expulsion of a student for a discretionary violation nearly tripled the likelihood of juvenile justice contact within the subsequent academic year."^{xxxi} Ultimately, students of color and low-income students who are already segregated and isolated are disproportionately subjected to harsh disciplinary punishments that remove them from school and violate their right to an education.

The worsening racial and economic segregation and isolation in the U.S. education system has dire consequences for the students deprived of an equitable and adequate education, and for the country as well. As the demographic composition of the United States continues to change, the failure to invest in students of color will have national consequences.

The introduction of ESEA flexibility waivers further decentralizes the country's education system and creates even greater inconsistencies among state systems. While the waivers push states to adopt Common Core State Standards and assessments, some states are showing signs of

backing down. Furthermore, equity measures are largely overlooked under the waiver approval process.

Although much of American education is under the jurisdiction of the states, the federal government has an obligation to expand its oversight and exercise its regulatory powers to strictly enforce current desegregation and equity provisions under current law to ensure that federal dollars are faithfully dispensed to supplement the resources afforded underprivileged students.

II. Concluding Observations from 2006

In paragraph 23 of its Concluding Observations, the Committee noted with concern reports of de facto racial segregation with regard to the racial and ethnic composition of large urban districts and their surrounding suburbs that results from the ways states create, fund and regulate school districts. The Committee was concerned that some states' efforts to remedy these disparities with regards to the quality of education afforded to school districts in metropolitan areas and minority children have been unsuccessful.

The Committee reminded the United States of its obligations under articles 2 and 26 under the Covenant to respect and ensure that all individuals are guaranteed effective protection against practices that have either the purpose or the effect of discrimination on a racial basis. The Committee recommended that the United States conduct in-depth investigations into de facto segregation and take remedial steps in consultation with affected communities.

III. U.S. Government Report

In its Fourth Periodic report to the ICCPR Committee, the U.S. outlines several laws that prohibit the denial of equal educational opportunity to an individual on the basis of his or her race, color, sex, or national origin. The report did not wholly address the 2006 recommendations from the ICCPR Committee. Instead, the U.S. lists section 204 of the Equal Opportunities Act, 20 U.S.C. 1703, Title VI of the Civil Rights Act of 1964, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The U.S. cites the work of the Department of Education Office for Civil Rights to implement and enforce regulations prohibiting discrimination based on race, color, or national origin by recipients of federal assistance. The U.S. also describes the role that the Civil Rights Division of the Department of Justice plays in enforcing compliance with Executive Order 13166 on behalf of English language learners.

The U.S. also described the flexibility waivers to the ESEA offered by the Obama Administration. Pursuant to the Secretary of Education's waiver authority under the ESEA, states receive flexibility to support state and local reform efforts in transitioning to college-and career-ready standards and assessments, developing systems of differentiated recognition, accountability, and support, as well as evaluating and supporting teacher and principal effectiveness. In exchange for this flexibility, states must meet four principles aimed at

increasing the quality of instruction and improving student achievement. To date, 35 states and the District of Columbia have received an ESEA waiver.

IV. Recommended Questions

1. What plans does the U.S. (specifically the Justice and Education Departments) have to enforce desegregation plans and orders currently in force?
2. What will the U.S. do to promote and/or provide incentives to states, Local Education Agencies (LEAs) and schools (including charter schools) to reduce racial isolation and promote diversity?
3. How does the U.S. plan to address the excessive use of corporal punishment, suspension and expulsion in K-12 schools?
4. How does the U.S. plan to address, on a systemic basis, the disproportionate infliction of corporal punishment, suspension and expulsion on students of color, students with disabilities, and male students?
5. What steps will the administration or Congress take to remedy extreme resource disparity across the country and even within districts that disproportionately affect low-income students, students of color, students with disabilities and English language learners?
6. What steps has the administration or the U.S. Department of Education taken to ensure that all communities affected by a state's waiver are engaged in the waiver's implementation and are fully aware of the changes to the state's education system?
7. How will the Department of Education effectively conduct oversight of the states that have received a waiver?
8. What regulatory processes will the Department of Education utilize should a state fail to faithfully implement its approved waiver plan or fail to make meaningful progress for all students?
9. How will the Department of Education expand its use of the Title VI disparate impact provision to ensure that students are not being discriminated against on the basis of race, ethnicity, gender, disability, or national origin?
10. How will the administration enforce the maintenance of effort, comparability, and supplement-not-supplant provisions in the ESEA?

V. Suggested Recommendations

1. The Department of Education should monitor and enforce commitments made by states in their waiver applications and in other plans and proposals in connection with their receipt of federal financial assistance. The Secretary should annually collect and disseminate information to the public on the impact of waivers on student achievement and high school completion.
2. The Department of Education should, through audits by the Inspector General and other means, ensure that data collected and reported by LEAs and states pursuant to federal requirements are current, complete and accurate.

3. The Department of Education should aggressively identify states and LEAs that report high rates and/or disproportionality in the following areas:
 - a. Suspensions
 - b. Expulsions
 - c. Other overly-punitive disciplinary action;
 - d. Referrals to law enforcement;
 - e. Arrests and police searches and seizures on school property
 - f. Corporal punishment;
 - g. Assignment to alternative education placements for disciplinary reasons;
 - h. Bullying and harassment;
 - i. Truancy (i.e. unexcused absences)
4. The Department of Justice should open an investigation and the Department of Education should initiate compliance reviews in states and LEAs with the worst records.
5. The Department of Education should require that any state that has received a waiver or will apply for a waiver be able to show evidence of a plan to increase resources for those high-poverty districts in the state that also have low per-pupil expenditures.
6. The Department of Education's Office for Civil Rights should vigorously use the disparate impact provision in its Title VI regulation to require recipients of federal funding to remedy systemic discrimination.
7. The Department of Education should strictly enforce the "supplement-not-supplant" and related fiscal provisions of ESEA to ensure that Title I dollars are properly used to provide greater resources to underprivileged students.
8. The Department of Education's Office for Civil Rights should expand its use of the disparate impact provision under Title VI to address the patterns of systemic discrimination and hold schools, districts and states accountable for student outcomes.

ⁱ Full list of The Leadership Conference Membership available at http://www.civilrights.org/about/the-leadership-conference/coalition_members/

ⁱⁱ The Leadership Conference & Columbia Law School, *The Road to Rights: Establishing a Domestic Human Rights Institution In The United States* (2011), available at http://www.civilrightsdocs.info/pdf/reports/The_Road_to_Rights_Post_Conference_Report_May_2012.pdf

ⁱⁱⁱ The Leadership Conference & Columbia Law School, *The Road to Rights: Establishing a Domestic Human Rights Institution In The United States* (2011), [hereinafter "The Road to Rights"], available at http://www.civilrightsdocs.info/pdf/reports/The_Road_to_Rights_Post_Conference_Report_May_2012.pdf

^{iv} The Sentencing Project, *The of Discriminatory Effects of Felony Disenfranchisement Laws, Policies and Practices on Minority Civic Participation in the United States* (2009), available at http://www.sentencingproject.org/doc/publications/fd_UNMinorityForum.pdf

^v Reentry Facts. The National Reentry Resource Center available at <http://www.nationalreentryresourcecenter.org/facts>

^{vi} The Sentencing Project, *State-Level Estimates of Felon Disenfranchisement in the United States 2010* (2012), [hereinafter "State Level Estimates of Felon Disenfranchisement in the United States 2010"], http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf

^{vii} *Id.*

^{viii} *Id.*

^{ix} "Felon Disenfranchisement" or ("criminal disenfranchisement") refers to the loss of one's voting rights as a consequence of a felony criminal conviction. Depending on the specific applicable law, such disenfranchisement can occur during incarceration or after incarceration, either while an individual is on probation or parole, or after the sentence is entirely completed.

^x State Level Estimates of Felon Disenfranchisement in the United States 2010

^{xi} Florida, Iowa, Kentucky, and Virginia

^{xii} State Level Estimates of Felon Disenfranchisement in the United States 2010

^{xiii} Since the Second and Third Periodic Reports, several states have made changes to their voting laws. For instance, Maryland repealed its lifetime ban and instituted automatic restoration of rights; Nebraska repealed its lifetime ban on voting for all felons and replaced with a two year post-sentence ban. However, in two states – Iowa and Florida – Which had previously made changes to restoration rights in 2011 the new Governors in both states reverted and placed stricter provision for rights restoration.

^{xiv} State Level Estimates of Felon Disenfranchisement in the United States 2010

^{xv} Human rights Comm., 87th Sess., July 10-28, 2006, Concluding Observations of the Human Rights Committee: United States of America, 24, U.N. Doc. CCPR/C/USA/CO/3/Rev. 1 (Dec. 18, 2006) [hereinafter “Concluding Observation 2006”] *available at* <http://www1.umn.edu/humanrts/usdocs/hruscomments2.html>.

^{xvi} Human Rights Comm., Fourth Periodic Report: United States of America, Doc. CCPR/C/USA/4 (May 22, 12) *available at* <http://www.state.gov/j/drl/rls/179781.htm>

^{xvii} OSCE/ODHR, Limited Election Observation Mission United States General Elections, Statement of Preliminary Findings and Conclusion (November 6, 2012) *available at* <http://www.osce.org/odihr/elections/96960>

^{xviii} Paragraphs, 11 and 14 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee, and paragraph 24 of the 1990 OSCE Copenhagen Document.

^{xix} Center for Democracy and Election Management American University, Building Confidence in U.S. Elections, Report of the Commission on Federal Election Reform (September 2005), *available at* http://www1.american.edu/ia/cfer/report/report.html#sect4_6

^{xx} Brennan Center for Justice, Restoring the Right to Vote (2009), *available at*

http://www.brennancenter.org/content/resource/restoring_the_right_to_vote/#recommendations

^{xxi} The Civil Rights Project, *E Pluribus...Separation: Deepening Double Segregation for More Students*. (2012), *available at* <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students>

^{xxii} The Civil Rights Project, *E Pluribus...Separation: Deepening Double Segregation for More Students*. (2012), *available at* <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/e-pluribus...separation-deepening-double-segregation-for-more-students>

^{xxiii} Piche, D., Zeitlin, J., Cook, S., Marchitello, M. *Remedying Disparate Impact in Education*. ABA Human Rights. (2011).

^{xxiv} U.S. Department of Education, National Center for Education Statistics. (2012). The Condition of Education 2012 (NCES 2012-045), Indicator 33. *Available at* <http://nces.ed.gov/fastfacts/display.asp?id=16>

^{xxv} Title-I is a federal program under the Elementary and Secondary Education Act, which apportions federal dollars to schools serving high concentrations of low-income students. Title-I is intended to provide additional resources to schools to provide greater support to the education of low-income students. See more at <http://www2.ed.gov/nclb/landing.jhtml>

^{xxvi} The Education Law Center. *Is School Funding Fair? A National Report Card*. (2010). *Available at* http://www.schoolfundingfairness.org/National_Report_Card.pdf

^{xxvii} *Lobato v. Colorado*, 218 P.3d 358 (Colo. 2009), *available at* http://www.clearthebenchcolorado.com/wp-content/themes/techland/caseSummary/summary_lobato_colo.html

^{xxviii} See: Piche, D., Zeitlin, J., Cook, S., Marchitello, M. *Remedying Disparate Impact in Education*. ABA Human Rights. (2011).

^{xxix} Rivkin, S. G., Hanushek, E. A., & Kain, J. F. (2005). Teachers, schools, and academic achievement, *Econometrica*, 73(2), 417-58.

^{xxx} U.S. Department of Education. Civil Rights Data Collection. *Available at* <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

^{xxxi} The Council of State Governments Justice Center. *Breaking Schools' Rules*. (2011), *available at* <http://justicecenter.csg.org/resources/juveniles>