

**I. US Policies and Discriminatory Practices in Public Servicing that Violates the Human Rights of African Americans and Minorities Utilizing Public Housing, Healthcare and Education Systems**

**II. Reporting Organization(s)**

Chicago Independent Human Rights Council, Students Uniting Nations for Human Rights, Chicago Anti-Eviction Campaign

**III. Issue Summary**

*This report addresses the areas of housing, healthcare, education, and law enforcement.*

***Housing*** (Articles violated 1, 6, 7, 23, and 24)

Under the One Strike policy, public housing authorities are required to implement policies to remove those involved in drug or other illegal activity from public housing. In Chicago, One Strike is instead being used to clear out public housing tenants generally through understanding and cooperation between the Chicago Housing Authority (CHA), the private companies the CHA contracts with to manage its properties, and the Chicago Police Department. Given that it takes only an arrest (and sometimes not even that much) of the tenant, anyone present in their unit, or any member of their household, regardless of where the arrest takes place, to evict a household under One Strike, the police have every incentive to arrest public housing tenants for minor offenses for the sole purpose of evicting them (as happened in this case, <http://www.suntimes.com/news/metro/16172677-418/tenant-facing-eviction-sues-cha.html>, in which a tenant's adult son, who no longer lived in the unit, caused eviction procedures to be brought against his mother and four brothers after being arrested for marijuana possession on a city sidewalk). Even after simple possession of small amounts of marijuana became a ticketable offense, at the officer's discretion, in Chicago last year, very little changed. Only 10% of marijuana possession offenders were ticketed, and of the 90% arrested, 80% of those were African-American. The simple explanation is that the whole point of arresting people for marijuana possession in Chicago is to jam them up with an arrest, such as is the case with evicting public housing tenants. Those who the police do not otherwise wish to arrest for whatever reason are simply released. Indeed, not only do the police arrest public housing tenants for simple marijuana possession in cases in which they otherwise wouldn't bother, but they have the marijuana tested at the Illinois State Police Lab for use in later eviction cases.

The City of Chicago and the United States Department of Housing Urban Development (HUD) continues their plan for demolishing public housing. The City of Chicago Housing Authority refuses to utilize its existing vacant public housing stock to reduce homelessness. Our federal government can mandate that the Chicago Housing Authority open up these vacant units to house the homeless, mandate that the Chicago Housing Authority and HUD stop violating the freedom of movement (trespassing, loitering, mob action charges that are enforced in public

housing communities). The US Dept. of HUD and all its agencies shall suspend practices of discriminating against African American males, who represent less than 10 percent of leaseholders in its subsidized and public housing programs.

The US Dept. of HUD also allows for discriminatory practices in mixed-income communities, where public housing residents are subjected to biased screening practices that renters and owners are not subjected to.

The racial overtones of predatory lending and foreclosure continue. African-Americans suffer disproportionately from bad credit ratings, blighted neighborhoods, and other bad outcomes associated with foreclosure. The loss of equity in a home surrounded by homes abandoned and left by the banks to rot drains wealth from African Americans, who did not face foreclosure and never defaulted on their loans. Bad credit ratings make African Americans pay more for insurance and credit products and encourage the proliferation of bad loan products like payday loans in African-American communities. The National Fair Housing Alliance has documented the unfair treatment of bank-owned homes after foreclosure. For example, 82 percent of such homes in African-American neighborhoods have broken or boarded windows, compared with just over 30 percent in White areas.

[http://www.nationalfairhousing.org/Portals/33/the\\_banks\\_are\\_back\\_web.pdf](http://www.nationalfairhousing.org/Portals/33/the_banks_are_back_web.pdf), last accessed 12.19.2012. In Chicago, the outcomes for African-Americans are dismal. Left to fight foreclosures without adequate resources, African-Americans turn to programs like the Cook County Foreclosure Mediation Program, where success is measured largely by those reaching an agreement to leave their homes voluntarily and where volunteer representation is often conditioned on one agreeing to leave one's home. Those seeking relief from the courts without a lawyer face almost certain homelessness because the efforts in place to assist those without representation provide limited access (one-time consultation) and often require one to file complex paperwork after a ten-minute consultation. African Americans are preyed upon by for-profit loan modification companies, which often take money and refuse to talk to the client. Likewise, lawyers who take money and never do any work (or refund the money) troll African-American neighborhoods for victims.

### **Education** (Articles violated 1, 17, 23, and 24)

The City of Chicago and U.S. federal policies around education, including but not limited to Zero Tolerance, school closings, and charter school models, have been detrimental to the growth of children, families, and communities of color. These policies have pushed students out of school into the street (juvenile jails) and forced poverty onto them because they lack education and the necessary skill sets or crafts to be law-abiding productive citizens. These communities impacted by the policies often see a tremendous spike in violence and crime amongst the young people, who have no alternative educational/employment opportunity. Forcing children to attend schools outside of the area in which they live has led to many violent acts being committed

against children. These children live in communities of color that have tribal (gang) territory markings so they are viewed as enemy combatants when they cross into areas to receive education. This violent/territorial mentality has been ignored by policy makers and government also attributes to the huge number of drop-outs and indigenous people of color migrating out of the region. The educational challenge the government is facing cannot be address or rectified without implementation of a poverty reduction plan and investment in an economic, social, and cultural development plan inclusive of all those impacted.

### **Healthcare**

The City of Chicago and US Government have continued to cut services to the public health services they provide to people of color in low income communities. In Chicago on the Southside, which has a huge (Afrikan descendants) low income presence, there have been closings of public mental health centers, which have led to increased jail populations, violent crimes, and death of the mentally ill. There also have been drastic cuts to basic medical care throughout the state of Illinois and US to balance the budget at the expense of poor people's life. The government has also divested in providing trauma centers in areas that have a growing number of violence and trauma-related injuries. These areas are heavily concentrated with impoverished, low- and middle-income communities of color. The lack of trauma centers has increased the death toll in communities of color in Chicago while a civil war among the poor has been spreading throughout the City of Chicago and Midwest region.

- Example Cook County Sheriff Tom Dart – “I’m the largest provider of mental health services in the country.”
- Dart said too many people with mental illnesses lacked professional care: “When we don’t fund services properly, they end up in my jail.”

### **Police and Law Enforcement (1, 6, 12, 14, 17, 21, 23, and 24)**

The Chicago Police Department (CPD), despite the efforts of the U.S. Department of Justice, continues with policies and practices that subject African American males in low-income (public housing) and heavily populated African-American communities to illegal searches, detainment, and arrest for charges of trespass, mob action, loitering, and disorderly conduct. These practices are only executed in low-income communities and areas with a majority African-American population. These stops allow for contact cards to be created that unfairly marks these individuals as gang members based on the officers discretion. This unfairly subjects them to further harassment by the police department and to arrest in the event any future crime is committed in that area. The CPD's practice of arresting male family members of public housing residents has led to a large number of evictions. And although the charges were dropped in court, many residents ended up evicted. The CPD's practices violate numerous articles of the covenant.

## **IV. Concluding Observations**

### ***Housing***

In paragraph 22 of its Concluding Observations, the Committee expressed concern that some 50 percent of homeless people are African American although they constitute only 12 percent of the United States population. The Committee recommends that the United States should take measures, including adequate and adequately implemented policies, to bring an end to such de facto and historically generated racial discrimination.

### ***Education***

In **paragraph 23** of its Concluding Observations, the Committee reminded the State party of its obligation under articles 2 and 26 of 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. In particular, it expressed its concern about de facto racial segregation in public schools, reportedly caused by discrepancies between the racial and ethnic composition of large urban districts and their surrounding suburbs, and the manner in which school districts are created, funded and regulated. In this regard, **the Committee recommended that the United States should conduct in-depth investigations into this de facto segregation, and take remedial steps, in consultation with affected communities.**

In **paragraph 24** of its Concluding Observations, the Committee recommended that the United States should continue and intensify its efforts to put an end to racial profiling by federal as well as state law enforcement officials. The Committee indicated that it wishes to receive more detailed information about the extent to which such practices still persist, as well as statistical data on complaints, prosecutions and sentences in such matters.

### ***Housing, Education, and Healthcare***

In paragraph 26 of its Concluding Observations, the Committee recommended that the United States should review its practices and policies to ensure the full implementation of its obligation to protect life and of the prohibition of discrimination, whether direct or indirect, as well as of the United Nations Guiding Principles on Internal Displacement, in matters related to disaster prevention and preparedness, emergency assistance and relief measures in the aftermath of Hurricane Katrina. **The Committee recommended that the United States increase its efforts to ensure that the rights of the poor, and in particular African-Americans, are fully taken into consideration in the construction plans with regard to access to housing, education and healthcare.** The Committee wishes to be informed about the results of the inquiries into the alleged failure to evacuate prisoners at the Parish prison, as well as the allegations that New Orleans residents were not permitted by law enforcement officials to cross the Greater New Orleans Bridge to Gretna, Louisiana.

## V. U.S. Government Report

### *Housing*

Para 72. Fair housing. Ensuring equal opportunity in housing is one of the strategic goals of the U.S. Department of Housing and Urban Development (HUD). HUD's Office of Fair Housing and Equal Opportunity (FHEO) administers and enforces federal laws that prohibit discrimination on the bases of race, color, religion, sex, national origin, disability, and familial status, and that require federal, state, and local governments to take proactive measures to ensure balanced living patterns. The Fair Housing Act also protects purchasers from discrimination in obtaining loans for the purchase of housing. HUD further administers programs to educate lenders, housing providers, developers, architects, home-seekers, landlords, and tenants about their rights and obligations under the law. Working with national, state, and local partners – as well as the private and nonprofit sectors – FHEO is involved in a cooperative effort to increase access to the nation's housing stock so that more Americans can obtain housing of their choice.

Para 76. Despite the numerous laws and policies designed to ensure equal access to housing, racial disparities in housing and lending are of continuing concern. This is one of the issues raised in civil society consultations. The U.S. Government is aware of these issues and is committed to working to eliminate any disparities that exist. To identify racial and ethnic discrimination in housing,

**Para 47 mentions-**The Homeless Prevention and Rapid Re-Housing Program awarded nearly \$1.4 billion in 2009 to more than 6,400 local programs to help prevent and end homelessness for nearly a half million people. In addition, the financial reform legislation enacted in 2010 includes a new consumer protection bureau that will help address the disproportionate effect of the foreclosure crisis on communities of color. - **What is not mentioned is the US has continued to demolish public housing in drastically reduced the budget for Housing assisted programs (public, subsidized, section 8). While failing to decrease homelessness caused by unemployment and foreclosures due in part to private sector fraud, which was later excused and settled by US AG who did not provide adequate protection for consumers/homeowners.**

Para 588. The Obama Administration is committed to combating racial discrimination in this and other contexts. The Administration has formed a government-wide Interagency Council on Homelessness, consisting of the Secretaries of Housing and Urban Development (HUD) (chair), Labor (DOL), Agriculture, Commerce, Education (ED), Energy, Health and Human Services (HHS), Homeland Security (DHS), Interior, Transportation, and the Veterans Administration (VA), as well as the Attorney General and Commissioner for Social Security, to address this critical issue. The United States is extremely concerned that members of racial minority groups, and particularly Blacks or African Americans, are over-represented among homeless populations. This issue has been raised by civil society representatives as a matter of particular

concern. A large number of federal programs, most authorized by the McKinney-Vento Homeless Assistance Act, P. L. 100-77, serve the homeless. These programs basically provide assistance to states and localities to address homelessness in their jurisdictions. States and localities run their own programs, as well.

Para 589. The United States is well aware that the problem of homelessness cannot be addressed solely by providing education, housing and healthcare for homeless persons, but must be addressed in a larger societal context by ensuring that all persons in the United States are afforded equal opportunities for education, employment, healthcare (including mental health care) and social services, in order to prevent the conditions that lead to homelessness. Moreover, racial disparities in homelessness must also be addressed through programs designed to ensure equal opportunities for all, regardless of race. The federal government, states, and local jurisdictions in the United States have in place myriad programs and legal enforcement measures to address racial discrimination in education, housing, health services, employment and other areas. Because these programs are too numerous to detail here, the United States would respectfully refer the Committee to its 2007 report to the Committee on the Elimination of Racial Discrimination (CERD Committee), CERD/C/USA/6 (1 May 2007). While much work has been done to address issues of racial discrimination in the United States, much more work continues at the present time and will be necessary in the future.-

### *Healthcare*

Para 439. The second initiative is the Community Health Center program, overseen by the HHS Health Resources and Services Administration (HRSA), which finances community, migrant, homeless, and public housing health centers in medically underserved communities around the nation. These health centers deliver preventive and primary care services to patients regardless of ability to pay; charges are set according to income. As of 2010, there were more than 1,100 health center grant recipients operating more than 8,100 community-based clinics in every state and territory, including in geographically isolated and economically distressed areas. These health centers served nearly 19.5 million persons in 2010, about 40 percent of whom had no health insurance, and one-third of whom were children. In fact, according to HHS, as of 2010, one of every 16 people living in the United States relied on a HRSA-funded clinic for primary care.- The United States mentions that it has created programs that assist with medicare however this statement is not consistent with the activity of Illinois State Government, which has passed legislation to cut medicaid services to the poor- SB 2840/Smart Act, which has been responsible for the removal of \$1.6 billion in funding from Medicaid and the curtailing and outright elimination of several other state health care assistance programs.

- The signing of the SMART Act into law by Quinn will further intensify the dreadful conditions facing millions of working class and poor Illinois residents who are already in economic distress. Of the over 2.7 million Illinois residents currently relying on Medicaid, hundreds of thousands are anticipated to lose

Medicaid coverage, with thousands more experiencing the curtailing or elimination of other much needed discounts for medications and assistance for disabilities and mental illness. The National Alliance on Mental Illness has ranked Illinois as the number one state in the US for budget cuts to mental health services for 2011, with the state having eliminated 31 percent of its total budget since 2008. Including Quinn's latest proposal for an additional 40 percent in cuts from state mental health programs, which include shutting down six of the state's twelve remaining mental health facilities, Illinois will have cut over 71 percent of its funding for mental health services and programs over the past five years.

## VI. Legal Framework

- **Article 1**
- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
- **Article 6**
- 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
  - 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
  - 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
  - 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
  - 5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
  - 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.
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- **Article 7**
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
- **Article 12**
- 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 2. Everyone shall be free to leave any country, including his own.
- 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- 4. No one shall be arbitrarily deprived of the right to enter his own country.
- **Article 14**
- 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
  - 2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
  - 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
  - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
  - (c) To be tried without undue delay;
  - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;



- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
  - (g) Not to be compelled to testify against himself or to confess guilt.
  - 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
  - 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
  - 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
  - 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.
- **Article 17**
  - 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
    - 2. Everyone has the right to the protection of the law against such interference or attacks.
- **Article 21**
  - The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.
- **Article 23**
  - 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- **Article 24**
  - 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
    - 2. Every child shall be registered immediately after birth and shall have a name.
    - 3. Every child has the right to acquire a nationality.

- **Article 26**
- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- **Article 27**
- In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

#### VII. **Other UN Body Recommendations**

[http://direitoamoradia.org/wpcontent/uploads/2012/07/Miss%C3%A3o\\_ONU\\_Estados\\_Unidos\\_ingl%C3%AAs.pdf](http://direitoamoradia.org/wpcontent/uploads/2012/07/Miss%C3%A3o_ONU_Estados_Unidos_ingl%C3%AAs.pdf)

#### VIII. **Recommended Questions**

1. What does the U.S. plan to do to rectify this gross contradiction of U.S. federal policies and practices of de facto demolition, displacement and divestment of public services (public housing, public education, public health) amidst a national social and economic crisis?
2. Please advise the Human Rights Committee as to the steps, including economic and legislative, being taken by the U.S. Government to respect, protect and fulfill its obligations to ICCPR.
3. What is the United States Government doing to ensure that government have in place housing, healthcare, and welfare programs in the event of another economic crisis?

#### IX. **Suggested Recommendations**

1. Immediate implementation of a moratorium on the demolition of public housing, foreclosures, and evictions until an investigation by all State party agencies, have been completed; to ensure that all civilians' civil and political rights have been respected, protected, and fulfilled. Allow resident councils, community groups to participate in management of government assisted housing in their communities.(Chicago CAC Plan)
2. The United States should take step to expand their public housing inventory by utilizing existing housing stock. This existing stock is vacant public housing marked for demolition, Vacant, abandoned foreclosed properties controlled by HUD, and FHFA. In addition The US should award all rights of possession back to the homeowner when fraud has been used by the financial institutions to foreclose.

3. The United States should create and fully fund a program similar to the WPA that could address the current/future economic, social, and cultural crisis in America.

### **Footnotes**

#### ***Healthcare***

Sheriff Dart [http://www.huffingtonpost.com/2012/09/06/dart-were-criminalizing-m\\_n\\_1862833.html](http://www.huffingtonpost.com/2012/09/06/dart-were-criminalizing-m_n_1862833.html)

<http://www.chicagonow.com/chicago-muckrakers/2012/09/tom-dart/>

Gov. Quinn

<http://www.wsws.org/en/articles/2012/06/illi-j20.html>

#### ***Housing***

Center For Budget

<http://www.cbpp.org/cms/index.cfm?fa=view&id=3583>

<http://pschousing.org/news/senate-passes-hud-spending-bill-significant-cuts>

Chicago Central Advisory Council Plan

[http://www.uic.edu/cuppa/voorheesctr/Publications/CAC\\_FINAL\\_REPORT\\_8\\_20\\_2012.pdf](http://www.uic.edu/cuppa/voorheesctr/Publications/CAC_FINAL_REPORT_8_20_2012.pdf)

CHA eviction policy

<http://www.chicagoreporter.com/news/2011/09/dismantling-families>

Trespass charges

[http://www.chicagojournal.com/news/09-12-2012/Still\\_standing](http://www.chicagojournal.com/news/09-12-2012/Still_standing)

Vacant Public Housing

[http://www.thecha.org/pages/offline\\_unit\\_summary/2671.php](http://www.thecha.org/pages/offline_unit_summary/2671.php)

Community Plan for foreclosed Properties

<http://truth-out.org/opinion/item/3673-usa-250000-empty-public-properties-should-be-used-to-address-the-housing-crisis>

Federal Housing Finance Authority Vacant Properties

[http://www.fhfa.gov/webfiles/22832/Chicago\\_Lawsuit\\_121211.pdf](http://www.fhfa.gov/webfiles/22832/Chicago_Lawsuit_121211.pdf)

### **Endorsing Organizations**

Chicago Independent Human Rights Council

Chicago Anti Eviction Campaign

African American Police League

Black People Against Police Torture

IYPAD-Chicago

Chicago Olympic Human Rights Project

Coalition to Protect Public Housing

Students Uniting Nations for Human Rights

National Organization Against Political and Racial Repression  
Citizens Alert  
Dignity  
Black Political Taskforce  
People for Community Recovery  
Southsiders Together organizing for Power  
Fearless Leading by the Youth  
Mental Health Movement  
Residents United to Save Housing  
Committee for a Better Chicago  
Voices of the Ex Offender  
Saving Our Seeds  
Help House Chicago Homeless  
Occupy our Homes Chicago  
Occupy the Hood Chicago  
Drexel Court Tenant Association  
Center of Change

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