



The Global Initiative

for Economic, Social and Cultural Rights

**Parallel Report submitted by the
Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
to the Committee on the Elimination of Racial
Discrimination
on the occasion of the consideration of the
Seventh to Ninth Periodic Reports of the United States
during the Committee's 85th Session**

Submitted July 2014

1. Introduction

1. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the GI-ESCR is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity. The GI-ESCR is a member of the Midwest Human Rights Coalition in the United States.

2. The mission of the GI-ESCR is to strengthen the international human rights framework through creative standard setting, so that all people, and in particular marginalized individuals and groups, are able to fully enjoy their economic, social and cultural rights, and are able to do so without discrimination and on the basis of equality; provide innovative tools to policy makers, development actors and others on

the practical implementation and realization of economic, social and cultural rights; enforce economic, social and cultural rights through international, regional and national mechanisms and seek remedies for violations of these rights, with a focus on creating beneficial jurisprudence aimed at transformative change; engage networks of human rights, women's rights, environmental and development organizations and agencies to advance the sustainable enjoyment of economic, social and cultural rights at both national and international levels; and work with advocates, social movements and grassroots communities at national and local levels to more effectively claim and enforce economic, social and cultural rights, including by engaging international mechanisms for local impact.

2. Water Disconnections in the City of Detroit have a Racially Discriminatory Effect in Violation of Articles 1 and 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination

3. The Parallel Report deals specifically with the issue of water disconnections in the City of Detroit that have been implemented in the Summer of 2014.

4. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits exclusions and restrictions that have the effect of nullifying or impairing the enjoyment or exercise of human rights in the economic and social field.

5. In the City of Detroit, the Detroit Water and Sewerage Department has been disconnecting water services on account of households becoming in arrears with water bill payments. In early June 2014, disconnections occurred at an increased rate to around 3,000 per week. Some 30,000 households are expected to be disconnected in the coming months. The disconnections have disproportionately impacted marginalized groups, in particular those living in poverty and African Americans. Corporate entities also in arrears have not faced water disconnections.

6. The cost of water has been rapidly increasing in the City of Detroit as much of the previous population has left the City, leaving those behind with the costs of supporting the City's water infrastructure and supply. As a cost saving measure, the Detroit Water and Sewerage Department stopped sending water bills, which resulted in households getting into arrears and facing unaffordable bills to keep their water supply.

7. A 25 June 2014 Press Release by the Special Rapporteur on the right to safe drinking water and sanitation, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, and the Special Rapporteur on extreme poverty and human rights highlighted the human rights violations in the context of water disconnection in Detroit.

8. The Special Rapporteur on the right to safe drinking water and sanitation pointed out that "Disconnections due to non-payment are only permissible if it can be

shown that the resident is able to pay but is not paying and that elsewhere there is genuine inability to pay, human rights imply forbids disconnection.

9. No individualized findings have been made in the disconnections, rather large-scale disconnections have occurred without access to due process or other means to challenge the disconnections. Furthermore, the authorities failed to consider other means for payment, including subsidies to those facing unaffordable water supply, but rather resorted to disconnections in violation of the human rights to water and sanitation.

10. The three Special Rapporteurs highlighted that according to international human rights law, it is the State's obligation to provide urgent measures, including financial assistance, to ensure access to essential water and sanitation and that the households which suffered unjustified disconnections must be immediately reconnected.

3. Recommended Concluding Observations

11. The State Party must respect and ensure the human rights to water and sanitation by immediately taking all necessary steps to reconnect water supply to those affected by the disconnections.

12. The State Party must ensure that State and Municipal authorities abide by their ICERD human rights obligations, including respecting and ensuring the human rights to water and sanitation on a non-discriminatory basis, including by re-establishing water supply to those affected by the disconnections.

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