



**SHADOW REPORT SUBMISSIONS AND UPDATES**  
INCLUDING AN EXECUTIVE SUMMARY OF ALL ATTACHED REPORTS

**COMPILED BY THE US HUMAN RIGHTS NETWORK**  
(ON BEHALF OF MEMBER AND PARTNER ORGANIZATIONS)

**TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE**

**Originally submitted SEPTEMBER 13, 2013**  
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**EXECUTIVE SUMMARY:** This joint submission filed by the US Human Rights Network (USHRN), is a compilation of shadow reports and updates to these reports by civil and human rights organizations and advocates from across the country, and provides supplemental information to the Human Rights Committee (the Committee) in its Fourth Periodic Review of the United States’ compliance with human rights obligations and duties under the International Covenant for Civil and Political Rights (ICCPR). USHRN is a national network of organizations and individuals working to strengthen a human rights movement and culture within the United States led by the people most directly impacted by human rights violations. While USHRN recognizes the positive steps the U.S. has made towards the advancement of human rights, it remains concerned about the general trend of the country and the large number of individuals whose rights as provided for under the ICCPR remain unprotected, in particular the racial, ethnic, gender, and class disparities that persist in the enjoyment of those rights.

The following summary outlines the main points from the 30 shadow reports and 13 updates to the reports that comprise this joint submission. Updates are included for the following issues: 5, 8, 9, 18, 19, 21, 23, 26, and *Other Considerations: Toxic Chemicals and Indigenous Rights*. These reports emphasize shortcomings in the United States’ implementation of its fundamental human rights obligations under the ICCPR. This summary is intended to map onto relevant topics identified by the Committee in its List of Issues and highlights key recommendations for each issue. The format mirrors the List of Issues for ease of review. Several of the summaries include sections labeled “Additional Considerations,” which represent either initial issues presented to the Committee or issues not directly addressed in the Committee’s List of Issues.

The individual reports that follow offer a more robust analysis of the issues, including legal frameworks, specific responses to and shortcomings of the U.S. periodic report, and suggested questions as well as recommendations to the state party to improve compliance with its obligations and duties under the ICCPR. See Appendix A for a full list of joint submissions by topic preceded by a table of content with page numbers.

## **A. Constitutional and Legal Framework within which the Covenant is Implemented (art. 2)**

### **Issues 1 and 2: Implementation of the ICCPR**

A central issue in the United States’ failure to fully recognize and implement human rights is the absence of a domestic human rights infrastructure that reaches all levels of government.<sup>1</sup> It is lacking transparent, institutionalized and effective mechanisms to facilitate the translation of international human rights law into domestic education and practice, leaving many state and local actors unaware of obligations under international human rights treaties.<sup>2</sup> Participation in the promotion and protection of human rights is further impeded by resource and staffing constraints at the state and local level.<sup>3</sup>

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<sup>1</sup> Joint Submission, *Closing the Gap: The Federal Role in Ensuring Human Rights at the State and Local Level* at 3.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

The protection of human rights requires concerted and coordinated government action in conjunction with community partnerships. While some human rights agencies and state and local decision-makers have taken important steps—including initiatives to address and eliminate discrimination, human rights education efforts, and the explicit incorporation of international human rights standards into local law and policy—these efforts remain ad hoc, patchwork, and vulnerable to elimination through budget cuts.<sup>4</sup>

A more robust discussion is necessary regarding how the federal government supports, incentivizes or coordinates state and local actors to comply with international human rights treaty standards through education, training, and other means.<sup>5</sup> For example, there is no publicly available information regarding the mandate or activities of a newly established Equality Working Group or its relationship to Executive Order 13107.<sup>6</sup>

### **Issues 1 and 2 Recommendations**

- Ensure dedicated staff responsible for coordinating and liaising with state and local actors regarding human rights reporting and implementation.
- Provide education and training to state and local officials in international human rights treaty standards.
- Provide state and local governments with funding to engage in civil and human rights implementation and compliance.
- Establish institutionalized, transparent, and effective mechanisms.

### **Reports Informing this Section Include:**

- Joint Submission, *Closing the Gap: The Federal Role in Ensuring Human Rights at the State and Local Level*

## **B. Non-Discrimination and Equal Rights of Men and Women (arts. 2, para. 1; 3; and 26)**

### Issue 4: Racial Disparities in the Criminal Justice System

Discrimination and racial disparities persist at every stage of the criminal justice system in the United States. The government continues to create, foster, and perpetuate these inequalities in violation of its obligations Article 2 and Article 26 of the ICCPR to ensure all its citizens, regardless of race, are treated equally under the law.<sup>7</sup> Racial minorities, particularly African-American males, are disproportionately affected by the U.S. criminal justice system, which is the largest—and maintains the highest incarceration rate—in the world.<sup>8</sup>

As noted in the Joint Submission, *Report of the Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System*, “[r]acial minorities are more likely than white Americans to be arrested; once arrested, they are

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<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 4-5.

<sup>7</sup> Joint Submission, *Report of the Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System* at 33.

<sup>8</sup> *Id.* at 8.

more likely to be convicted; and once convicted, they are more likely to face stiff sentences.”<sup>9</sup> Racial bias influences all major actors in a criminal trial, including defense counsel, prosecutors, judges, and juries.<sup>10</sup> These racial disparities are particularly pronounced in cases involving the so-called “War on Drugs” and in death penalty cases.<sup>11</sup>

#### **Issue 4 Recommendations**

- Establish a National Criminal Justice Commission.
- Scale back the War on Drugs.
- Eliminate mandatory minimum sentences.
- Abolish capital punishment.
- Fully fund indigent defense agencies.
- Develop and implement training to reduce racial bias.

#### **Reports Informing this Section Include:**

- Joint Submission, *Report of the Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System*

#### **Issue 5: Racial Profiling**

Particularly problematic is the law enforcement practice known as “stop and frisk,” which is commonly employed by the New York Police Department (NYPD)—the largest police force in the United States.<sup>12</sup> As noted in the joint submission *Stopped Seized and Under Siege*, “[s]tops are both unlawful and discriminatory as they occur overwhelmingly without the reasonable, articulable suspicion of criminal activity as required by the law and at an alarming rate in communities of color....”<sup>13</sup> The use of the practice has dramatically increased over the last decade, and expands beyond racial discrimination, with women, LGBTQ and gender non-conforming persons, and homeless persons reporting harassment and abuse as well.<sup>14</sup> In August 2013, a federal judge found the NYPD liable for a pattern and practice of racial profiling and unconstitutional stops and frisks. However, the City of New York has rejected allegations of unconstitutional conduct and has filed a notice of appeal of the court’s decision.<sup>15</sup>

Immigration enforcement policies in the United States frequently result in racial discrimination and profiling of racial and ethnic minority populations in the country. This is particularly prominent in the implementation of Section 287(g) of the Immigration and Nationality Act (287(g)), which marks a significant extension of jurisdiction and shift from federal to state and local enforcement of civil immigration laws.<sup>16</sup> Without adequate federal supervision, oversight,

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 14.

<sup>11</sup> *Id.* at 21-24.

<sup>12</sup> *Id.* at 13-14. See also Joint Submission, *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices* at 37.

<sup>13</sup> *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices* at 36.

<sup>14</sup> *Id.* at 37.

<sup>15</sup> *Id.* at 38-40. See *Floyd v. City of New York*, 08-cv-1034, Opinion and Order Dkt#373 (S.D.N.Y. Aug. 8, 2013), at 90-91, available at [www.ccrjustice.org/floyd](http://www.ccrjustice.org/floyd).

<sup>16</sup> Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights [Racial Profiling]* at 42.

and funding, 287(g) has fostered racial discrimination and has enabled state and local officials to target African American, Latino, and other racial and ethnic minorities.<sup>17</sup>

These and similar violations of the right to be free from discrimination are compounded by subsequent violations related to rights to speak and organize against unlawful discrimination and to demand and receive a remedy for ICCPR violations.<sup>18</sup> The federal government regularly uses the immigration system to retaliate against immigrant workers and community leaders who speak out against unlawful discrimination (“deporting the evidence”).<sup>19</sup>

## **Updates to Issue 5 Joint Submission on Racial Profiling including other Police Misconduct**

### **Police Misconduct**

Improper police conduct continues to be a concern in cities with large populations of African Americans, Latinos and other racial and ethnic minorities. Recent examples include: the shooting of Bobby Gerald Bennett, a 52-year-old unarmed mentally-impaired man on October 14, 2013 by Dallas, Texas police officer Cardan Spencer; the fatal shooting of Andy Garcia, a 13-year-old eight-grader carrying a toy gun on October 22, 2013, by a Sonoma County, California Sheriff deputy; and the fatal shooting of Keith Vidal, a schizophrenic 18-year-old in North Carolina on January 5, 2014.<sup>20</sup>

### **Stop and Frisk**

Despite recent reductions in the number of stops recorded by the NYPD, community members continue to report stop and frisk encounters with the police. A November 2013 report by the New York State Attorney General found that only 3 percent of stops made by the NYPD led to convictions, and only 0.1% led to convictions for violent crime.<sup>21</sup>

In a positive development, on January 30, 2014, the new Mayor Bill de Blasio and the Center for Constitutional Rights announced an agreement for New York City to drop the appeal to *Floyd* and to begin a collaborative reform process. As of the writing of this update submission, the City has not formally dropped the appeal, which means that the reform process cannot begin.<sup>22</sup>

### **Issue 5 Recommendations**

- Reform the NYPD’s stop and frisk practices to comply with the U.S. Constitution and the ICCPR.
- Encourage the City of New York to meaningfully engage in the reform process ordered in the court’s *Floyd* decision—including receiving input from directly impacted community members—and expedite formal withdrawal of appeal in that case.
- Encourage the passage of the federal End Racial Profiling Act.
- Address the inefficiency of stop and frisks in locating criminals and undocumented immigrants.

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<sup>17</sup> *Id.*

<sup>18</sup> Joint Submission, *Deporting the Evidence: Migrant Workers in the South Expose How U.S. Immigration Enforcement against Human Rights Defenders Violates the International Covenant on Civil and Political Rights* at 61.

<sup>19</sup> *Id.*

<sup>20</sup> Update to Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights [Police Misconduct]* at 45a.

<sup>21</sup> Update to Joint Submission, *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices* at 40a.

<sup>22</sup> *Id.*

- Legislate and enforce immigration and administrative protections for individuals defending human rights.
- Investigate and sanction misconduct by immigration enforcement officers and protect witnesses to the investigation.

**Reports Informing this Section Include:**

- Joint Submission, *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices*; Update to Joint Submission, *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices*.
- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights [Racial Profiling]*. Update to Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights [Police Misconduct]*.
- Joint Submission, *Deporting the Evidence: Migrant Workers in the South Expose How U.S. Immigration Enforcement against Human Rights Defenders Violates the International Covenant on Civil and Political Rights*

**Issue 6: Criminalization of People Living on the Streets**

State policies of criminalization of homelessness routinely penalize individuals for their involuntary status in violation of their right to be free from discrimination under Articles 2 and 26 of the ICCPR.<sup>23</sup> This discrimination further entrenches the laws and societal norms that allow systemic violations of these rights.<sup>24</sup> The harms and violations of criminalization, from voter disenfranchisement to family dissolution, are especially acute for homeless people who experience one or more multiple intersecting forms of discrimination, including people of color, immigrants, lesbian, gay, bisexual, and transgender people, and people with disabilities.<sup>25</sup> Particularly alarming is the routine penalization for self-help solutions designed to ensure basic survival, such as forming alternative communities like tent cities, creating self-designed sanitation processes, and using public space to perform basic bodily functions when there is no other option available.<sup>26</sup>

**Issue 6 Recommendations**

- Take immediate measures to eliminate the criminalization of basic life activities where homeless persons have no choice to perform them in public and cease disparate enforcement of other laws that adversely affect homeless persons.
- Provide guidance for communities emphasizing the negative consequences of criminalization and incentives for decriminalization to local law enforcement agencies.

**Reports Informing this Section Include:**

- Joint Submission, *Cruel, Inhuman, and Degrading: Homelessness in the United States under the International Covenant on Civil and Political Rights*

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<sup>23</sup> Joint Submission, *Cruel, Inhuman, and Degrading: Homelessness in the United States under the International Covenant on Civil and Political Rights* at 66-67.

<sup>24</sup> *Id.* at 67.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 68.

## Issue 7: Access of Undocumented Migrants to Health Services and Higher Education Institutions

The Committee has interpreted the non-discrimination clause of Article 2 of the ICCPR to include immigration status and has urged state parties to eliminate distinctions in access to social services on the basis of immigration status.<sup>27</sup> The U.S. Government has failed to adequately promote, protect, and enforce the rights of migrant farmworkers, who are one of the most vulnerable, yet least protected, populations in the United States.<sup>28</sup> Of particular concern is the denial of access and frequent harassment and threats against outreach workers who attempt to provide farmworkers living at labor camps with legal assistance, healthcare, education, and other basic services, presenting significant barriers against access to justice, healthcare, and information for migrant workers.<sup>29</sup>

While the U.S. Government has taken important steps towards expanding access to health insurance for many Americans under the Affordable Care Act (ACA), the ACA excludes large groups of immigrants, barring them from accessing government-supported health insurance as well as affordable private insurance.<sup>30</sup> Low-income immigrant women are particularly adversely affected and are left with virtually no options for accessing affordable reproductive healthcare, including contraceptive services, screenings for sexually transmitted infections, and treatment for reproductive system cancers.<sup>31</sup>

### **Issue 7 Recommendations**

- Take all reasonable measures to ensure access to migrant labor camps by community service providers.
- Strengthen enforcement of the rights of migrant farmworkers by all appropriate federal, state, and local agencies and ensure education and training of these agencies as well as the public.
- Remove the federal five-year waiting period for “lawfully present” immigrant women and the exclusion of undocumented women from eligibility for Medicaid.
- Increase funding for the Title X family planning program to cover all women in need of publicly supported contraception.

### **Reports Informing this Section Include:**

- Joint Submission, *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights]
- Joint Submission, *Access to Justice and Healthcare for Migrant Farmworkers in the United States: A Shadow Report*

### Additional Considerations

**Hate Crimes:** As the non-discrimination principle under Article 26 of the ICCPR includes discrimination from both public and private actors, the United States must take affirmative steps

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<sup>27</sup> Joint Submission, *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights] at 80.

<sup>28</sup> Joint Submission, *Access to Justice and Healthcare for Migrant Farmworkers in the United States: A Shadow Report* at 96.98.

<sup>29</sup> *Id.* at 97,98.

<sup>30</sup> *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights] at 77.

<sup>31</sup> *Id.* at 78.

to address the structural issues that make minority communities, including Muslim, Arab, Sikh, South Asian, and LGBT communities, susceptible to bias-motivated crimes.<sup>32</sup> Through systemic failures such as inadequate data collection and severe underreporting, limited training of law enforcement to investigate and document hate crimes, and a failure to devote adequate resources, the U.S. Government has failed to protect minority communities from hate crimes.<sup>33</sup>

**Food Insecurity:** While the U.S. report recognizes that health disparities exist among White and non-White racial and ethnic minority populations, it has failed to recognize that access to healthy food is a fundamental aspect of societal wellbeing.<sup>34</sup> The outcomes of racialized policies in other domains, such as housing, education, transportation, and income, have led to food insecurity among low-income households and people of color.<sup>35</sup> Access to adequate and healthy food is interdependent with economic activities and may continue to exacerbate racial and economic disparities in areas of civil participation—for example, a lack of access to healthy food adversely affects a student’s academic performance.<sup>36</sup>

## **Update to Additional Considerations**

### **Educational Inequities**

Conditions in public education remain unchanged since they were noted by the Committee in 2006. Students in the U.S. continue to attend schools that are deeply segregated by both race and class, with schools serving low-income families and racial minorities consistently underfunded. Steps taken by the Department of Education including providing resources for research and consensus building are insufficient to address the wide disparities in educational outcomes. In states across the country, funding disparities persist and when state courts declare these disparities unconstitutional, legislatures refuse to take action to close the gaps and the Department's Office for Civil Rights (OCR) has failed to enforce Title VI of the Civil Rights Act of 1964 to protect the rights of students to a quality and equitable education. The New York legislature passed legislation to address funding inequity in response to *Hussein v. State of New York*, but the state instead directed money at affluent districts, whereas low-income districts, with minority students, received far less. In Kansas, the state chose not to honor the state court ruling in *Gannon v. State of Kansas* which required equitable funding and instead appealed to the State Supreme Court.<sup>37</sup>

### **Disparities in School Discipline**

Students of color and students with disabilities have long been the victims of discriminatory punishments, such as zero tolerance policies, suspensions, and expulsions. African American students are three times more likely to be suspended than their classmates. Students with disabilities account for 20 percent of students who receive one out-of-school suspension, while they only make up 12 percent of the student population. Since the submission of the last report to the Committee, the Department of Education released an advisory guidance on school discipline to address the disproportional impact policies have on students of color and students with disabilities. However, the Department has not provided a plan for oversight and enforcement related to implementation.<sup>38</sup>

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<sup>32</sup> Joint Submission, *Failure to Protect: U.S. Violations of the International Covenant on Civil and Political Rights* at 103.

<sup>33</sup> *Id.* at 101.

<sup>34</sup> Joint Submission, *Structural Racialization and Food Insecurity in the United States* at 127.

<sup>35</sup> *Id.* at 126, 128.

<sup>36</sup> *Id.* at 129.

<sup>37</sup> Update to Joint Submission, *Youth Incarcerated in Adult Prisons in the U.S.* at 270b.

<sup>38</sup> *Id.*

## **Additional Recommendations**

- Mandate reporting of hate crimes at the state level and law enforcement training regarding investigating and reporting hate crimes.
- Support research assessing the prevalence, indicators, and outcomes of hate crimes.
- Strengthen monitoring of non-Islamic extremist groups and keep vulnerable communities informed of potential threats.
- Affirmatively link the right to food, housing, school, employment, transportation, healthcare, and other political and cultural opportunities.
- Make food and nutrition education mandatory within public school systems from elementary to high schools.

## **Reports Informing this Section Include:**

- Joint Submission, *Failure to Protect: U.S. Violations of the International Covenant on Civil and Political Rights*
- Joint Submission, *Structural Racialization and Food Insecurity in the United States*

## **C. Right to Life (art. 6)**

### Issue 8: Death Penalty

Although six states have abolished the death penalty since the United States' last review before the Committee in 2006, thirty-two states, the U.S. federal government, and U.S. military retain the death penalty in the United States.<sup>39</sup> The death penalty system has wrongfully convicted and sentenced innocent persons to death, executing at least 10 individuals despite strong evidence of their innocence.<sup>40</sup> Also of great concern, most death penalty states continue to sentence to death and execute “non-triggerment”—offenders who do not actually, or attempt, or intend to, kill. This practice contravenes interpretations of Article 6(2) of the ICCPR that the death penalty should only be applied to intentional crimes.<sup>41</sup>

Racial bias is pervasive in the application of the death penalty in the United States, with the race of the victim being the most indicative factor in determining who is sentenced to death.<sup>42</sup> Defendants are more likely to be sentenced to death if the victim is white than if the victim is African-American, and African-American defendants are disproportionately overrepresented on death row.<sup>43</sup>

Additionally, the Committee has emphasized that when the death penalty is imposed, it must be carried out in a manner as to cause “the least possible physical and mental suffering.”<sup>44</sup> The traditional three-drug lethal injection procedure used as a primary means of executing prisoners in the United States has come under constitutional challenge as causing cruel and unusual

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<sup>39</sup> Joint Submission, *Shadow Report on the Death Penalty in the United States* at 133.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 134.

<sup>42</sup> *Id.* at 133.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 146, *citing* Human Rights Committee, General Comment 20, U.N. Doc. CCPR/C/21/Add.3, para. 6.

punishment.<sup>45</sup> The controversy surrounding the use of these drugs has made them increasingly difficult to obtain, causing states to turn to questionable sources and heightening the risk of cruel or inhuman treatment or punishment during executions.<sup>46</sup>

## **Updates to Issue 8 Joint Submission on the Death Penalty**

### **Execution of Mexican National**

On January 22, 2014, Mexican national Edgar Tamayo, was executed in Texas despite requests for a new hearing made by Secretary of State John Kerry, former Governor of Texas Mark White, and Mexican Foreign Minister José Antonio Meade Kuribreña. Edgar Tamayo was one of the original fifty Mexican national plaintiffs referenced in the International Court of Justice's ("ICJ") 2004 *Avena* case ruling, which denounced the United States' failure to adhere to international consular notification covenants; Tamayo was the third of those fifty Mexican nationals to be executed.<sup>47</sup>

### **Untested Drugs for Execution**

U.S. supplies for the traditional three-drug method of lethal injection have begun to be exhausted given ongoing restrictions by foreign governments, the European Union and corporations. In response, states that have retained the death penalty have turned to the use of unchartered means of execution demonstrably increasing the risks of executions constituting cruel and unusual punishment as defined by ICCPR.<sup>48</sup> A summary of executions using new methods that have taken place since the shadow report submission follow. The state of Florida executed William Happ, the first inmate to be executed using an untested three-drug method utilizing Midazolam Hydrochloride in place of Pentobarbital, which was no longer commercially available for purchase by prisons since October 15 as it causes severe pain. Darius Kimbrough and Askari Muhammad were executed on November 11 and January 7, respectively, in the same manner. On January 9, the state of Oklahoma carried out its first execution using compounded Pentobarbital. Concerns were raised that the execution had miscarried after the final words of the inmate, Michael Lee Wilson, were "I feel my whole body burning." Ohio and Louisiana have adopted a new, two-drug execution protocol, of an untested combination of Midazolam and Hydromorphone. Ohio used these drugs to execute Dennis McGuire on January 16, 2014, which lasted 25 minutes. The state of Louisiana announced that the two-drug combination would be used in the execution of Christopher Sepulvado, scheduled for February 5, however this execution was stayed on February 3.

### **Exonerations**

The State of Missouri exonerated Reginald Griffin who was on death row, making Griffin the 143rd person in the U.S. and 4th in Missouri to be found wrongfully on death row since 1973.<sup>49</sup>

### **Issue 8 Recommendations**

- Require legislation that provides adequate and appropriate services for death row exonerees as well as at least \$100,000 compensation per year of having been on death row.

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<sup>45</sup> *Id.* at 133.

<sup>46</sup> *Id.* at 133-134.

<sup>47</sup> Update to Joint Submission, *Shadow Report on the Death Penalty in the United States* at 161a.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

- Adopt all necessary measures to ensure that the death penalty is not imposed as a result of racial bias on the part of prosecutors, judges, juries or lawyers.
- Adopt legislation to ensure lethal injections are carried out (1) via well-tested procedures that do not cause unnecessary pain, (2) with full transparency and oversight of drug sourcing, and (3) using drugs approved by the U.S. Food and Drug Administration.
- Undertake all necessary means to fully comply with consular notification rights for foreign nationals facing the death penalty.
- Implement a categorical bar on death-eligibility for “non-triggerment” defendants.

**Reports Informing this Section Include:**

- Joint Submission, *Shadow Report on the Death Penalty in the United States*. Update to Joint Submission, *Shadow Report on the Death Penalty in the United States*

Issue 9: Gun Violence

United States “Stand Your Ground” (SYG) laws extend immunity to prosecution or civil suit for the use of deadly force in self-defense beyond the home, without imposing a duty to retreat.<sup>50</sup> SYG laws are overbroad and prone to amplifying existing racial biases.<sup>51</sup> Studies have shown that the number of justifiable homicides has increased in those states that have implemented some form of SYG laws.<sup>52</sup>

The U.S. State of Florida, whose SYG law was the first passed in the U.S. and among the most expansive of its kind, is the site of the controversial killing of African American teenager, Trayvon Martin, which resulted in the acquittal on a charge of murder against George Zimmerman, a white Hispanic man.<sup>53</sup> In Florida, data has shown that in cases in which SYG was raised as a defense, a defendant who killed a white person was two times more likely to be convicted of a crime than when a defendant killed an African American person.<sup>54</sup>

The often-uneven application of SYG laws perpetuates discrimination and re-victimizes survivors of domestic violence, disproportionately criminalizing African American and Latina women and other marginalized groups who act in self-defense against domestic abuse.<sup>55</sup> In stark contrast to the outcome in the killing of Trayvon Martin stands the case, also in Florida, of Marissa Alexander, an African American woman sentenced to 20 years in prison for shooting the ceiling during an altercation with her abusive husband, who was unharmed in the incident.<sup>56</sup>

Extrajudicial killings and excessive uses of force by U.S. law enforcement officers violates, among others, the inherent right to life (Article 6) and the right to be free from torture or cruel, inhumane or degrading punishment or treatment (Article 7). From the years 2003 to 2009, nearly 3,000 homicides were committed by U.S. law enforcement officers against members of the

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<sup>50</sup> Joint Submission, *Written Statement on Stand Your Ground Laws* at 162.

<sup>51</sup> *Id.* at 168.

<sup>52</sup> *Id.* at 163.

<sup>53</sup> *Id.* at 162-163. On February 26, 2012, Mr. Martin, an African American high school student, was pursued and ultimately killed by the discharged gun of George Zimmerman, a 28 year-old neighborhood watch coordinator for the community. Taken into custody for questioning but released the same day, Mr. Zimmerman was not charged until six weeks later following public outcry. See also Joint Submission, *Written Statement on Violence Against Women* at 177.

<sup>54</sup> *Id.* at 163.

<sup>55</sup> *Written Statement on Violence Against Women* at 175-176.

<sup>56</sup> *Id.* at 176.

civilian population, of whom a disproportionate percentage were African American.<sup>57</sup> Police officers have and continue to use excessive force, sexual assault, and other inhuman and degrading treatment as well as torture as a means to coerce confessions, including threatening and often dropping detainees in unknown or rival neighborhoods.<sup>58</sup> Very few complaint cases are sustained and even fewer offenders are punished, resulting in de facto impunity for these violations.<sup>59</sup>

## **Update to Issue 9 Joint Submission on Gun Violence**

### **Domestic Violence**

At a January 30, 2014 meeting, the U.S. Government refused to continue discussions regarding individual remedies recommended by the Inter-American Commission on Human Rights in the domestic violence case of *Jessica Lenahan (Gonzales) v. United States*. While the government indicated a willingness to discuss domestic violence policy changes at the federal level (through the Department of Justice), it refused to engage with any questions concerning the application of international human rights law through federal legislative or judicial action or through state level action at any level (state executive, legislative or judicial branches).<sup>60</sup>

### **Stand Your Ground Laws**

On September 26, 2013, Marissa Alexander was granted a new trial on the basis that the jury had not been properly instructed on the burden for proving self-defense. The appeals court, however, upheld the trial court's ruling that precluded Alexander from invoking the "Stand your Ground" law as a defense. Alexander's new trial date is scheduled for July 28, 2014. Florida Governor Rick Scott and the members of the clemency board have yet to grant requests for her pardon.<sup>61</sup>

### **Immigrant Women and Domestic Violence**

On October 7, 2013, National Public Radio ("NPR") aired a segment on a woman in California who was arrested after neighbors reported hearing her boyfriend beating her up. Because of her immigration status, both she and her abuser were arrested. She was taken into custody by Immigration and Customs Enforcement ("ICE"), and detained for 8 months, at which point she obtained a U-Visa. This story is indicative of a larger systemic problem, and immigration reform efforts must ensure protection for victims of domestic violence.<sup>62</sup>

### **Issue 9 Recommendations**

- Hold a Congressional Hearing on SYG laws to examine the disproportionate effects on people of color.
- Reform SYG laws to remove blanket immunity, include a duty to retreat, and narrow the range of circumstances where deadly force can be used.
- At the legislative level, require universal background checks for all gun transfers and expand prohibitions on gun possession to include those who have committed sexual assault, stalking, or violence against dating partners.

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<sup>57</sup> Joint Submission, *Raising the Issue of Continued Discrimination via Police Misconduct and Extra-judicial/Summary Executions Committed with Impunity on American Born People of Afrikan Descent* at 213.

<sup>58</sup> *Id.* at 214.

<sup>59</sup> *Id.*

<sup>60</sup> Update to Joint Submission, *Domestic Violence, Gun Violence, and "Stand Your Ground" Laws in the United States* at 212a.

<sup>61</sup> *Id.* at 212b.

<sup>62</sup> *Id.*

- Support mandatory domestic violence training for police, prosecutors, and judges and ensure that victims of domestic violence do not face the risk of prosecution as a result of defending themselves from violence.
- Establish an Office for the Victims of Police Crimes similar to the Office for the Victims of Crimes.
- Enact investigation of ongoing police misconduct, particularly in the Chicago Police Department, and a national system to investigate all police shootings.

### **Reports Informing this Section Include:**

- Joint Submission, *Written Statement on Stand Your Ground Laws*.
- Joint Submission, *Written Statement on Violence Against Women*. Update to Joint Submission, *Domestic Violence, Gun Violence, and "Stand Your Ground" Laws in the United States*
- Joint Submission, *Raising the Issue of Continued Discrimination via Police Misconduct and Extra-judicial/Summary Executions Committed with Impunity on American Born People of Afrikan Descent*

### Additional Considerations

**Fukushima Daiichi Disaster Response:** The U.S. Government has failed to address the human rights, particularly the inherent right to life, of communities living in the direct path of a jet stream coming from three Fukushima Daiichi nuclear power plants in Fukushima Prefecture, Japan that melted down following the March 2011 earthquake and tsunami.<sup>63</sup> An estimated 14,000 initial excess deaths in the United States are linked to the radioactive fallout from the disaster, with children, infants, and others with weakened immune systems disproportionately affected.<sup>64</sup>

**Reproductive Rights and Abortion:** The Committee has frequently expressed concern over restrictive legislation on abortion and has urged states to help women prevent unwanted pregnancies and protect them from resorting to clandestine and unsafe abortion.<sup>65</sup> Since the year 2010, over 170 restrictive abortion laws have been enacted by state legislatures.<sup>66</sup> While bans on abortion harm all women, they have a disproportionate impact on marginalized women, including those who are poor, young, less educated, women of color, and those without access to health insurance or affordable care.<sup>67</sup> Cost, which is the most significant barrier to abortion, is a problem exacerbated by both state and federal governments, including the Hyde Amendment, which severely restricts Medicaid coverage for abortion.<sup>68</sup>

### **Additional Recommendations**

- Develop updates that consider the known and projected adverse health impacts of the Fukushima Daiichi disaster, establish an emergency international Commission of qualified experts, and disseminate vital information as to prevention or mitigation of health impacts.

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<sup>63</sup> Joint Submission, *Suggested Urgent Issue for the U.S. re Fukushima Radiation* at 219.

<sup>64</sup> *Id.* at 222.

<sup>65</sup> Joint Submission, *Supplemental Information Regarding the Human Rights Committee's Periodic Review of the United States of America in its 109th Session* [Reproductive Rights] at 84, *citing* HRC, General Comment 28, para.10 and HRC, *Concluding Observations: Cameroon*, para.13, U.N. Doc. CCPR/C/CMR/CO/4 (2010).

<sup>66</sup> *Id.* at 82. *See also* Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals] at 365-366.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

- Enact federal legislation to protect a woman’s ability to exercise her right to determine whether and when to bear a child or terminate a pregnancy.
- Repeal the prohibition on Medicaid coverage for abortion under the Hyde Amendment.

**Reports Informing this Section Include:**

- Joint Submission, *Suggested Urgent Issue for the U.S. re Fukushima Radiation*
- Joint Submission, *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights]
- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Right to Life and Health, Reproductive Healthcare]

**D. Prohibition of Torture and Cruel, Inhuman, or Degrading Treatment or Punishment, Right to Liberty and Security of Person, and Treatment of Persons Deprived of their Liberty** (arts. 7, 9, 10, 12, 13, 14)

Issue 16: Treatment of Persons Deprived of Their Liberty

The continued criminalization, imprisonment, and subsequent treatment of political dissenters and other unpopular persons violates the ICCPR’s prohibition of torture and cruel, inhuman, or degrading treatment or punishment.<sup>69</sup> Because of their unpopular political views or in retaliation of their assertion of their rights, these individuals are routinely denied regular contact and communication with family and held in closely-monitored isolation units designed to hold terrorists and other high-risk inmates.<sup>70</sup>

The United States is one of the few countries in the world that continues to shackle pregnant women, a practice that increases substantial medical risks of childbirth and is a painful, demeaning, and needlessly punitive practice that is rarely necessary for safety.<sup>71</sup> The majority of U.S. jails lack OB/GYN services, policies on pre-natal care, and adequate nutrition and hygiene conditions for pregnant women.<sup>72</sup> Although since the last periodic review there have been some significant improvements on policies related to restraining pregnant women, it continues due to lack of enforcement, training, and impunity for violations.<sup>73</sup>

**Updates to Issue 16 Joint Submission of Persons Deprived of Their Liberty**

**Medical Neglect, Denial of Compassionate Release, and Isolation for Political Activists**

Of the ten (10) cases of extreme medical neglect and compassionate release denials previously submitted, only terminal 4<sup>th</sup> stage breast cancer victim, Lynn Stewart, has been released. The health of the others continues to deteriorate. Most severe, Mohammad Kote, 86 years, not

<sup>69</sup> Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights* at 225.

<sup>70</sup> *Id.* at 225-226.

<sup>71</sup> Joint Submission, *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights] at 73; Joint Submission, *The Shackling of Incarcerated Pregnant Women: A Human Rights Violation Committed Regularly in the United States* at 229.

<sup>72</sup> *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights] at 73.

<sup>73</sup> *Id.* at 3. See also *The Shackling of Incarcerated Pregnant Women: A Human Rights Violation Committed Regularly in the United States* at 229.

previously cited, and Abdul Maumin Khabir, wheelchair bound with COPD, have been denied compassionate release repeatedly. In addition, political activists continue to be held in isolation for periods ranging from 30 to 50 years.<sup>74</sup>

### **Retaliation Against Prisoners**

Prisoners who participated in a 60-day hunger strike at a California prison to demand an end to solitary confinement have received a “Serious Rules Violation Report” (a “115 write up”).<sup>75</sup>

### **Issue 16 Recommendations and Questions**

- Provide justification for continued criminalization and imprisonment of political activists generally and in particular those held in prolonged cellular isolation.
- Take steps to enact a Truth and Reconciliation process and take immediate action to release terminally and critically ill Civil Rights Era activists.
- Investigate and terminate the use of solitary confinement in compliance with ICCPR and CAT
- Enact a federal law banning the practice of shackling prisoners during pregnancy, covering at minimum the third trimester, transport to medical facilities, labor, delivery, and post-partum recovery.

### **Reports Informing this Section Include:**

- Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights*. Update to Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights*
- Joint Submission, *The Shackling of Incarcerated Pregnant Women: A Human Rights Violation Committed Regularly in the United States*
- Joint Submission, *Supplemental Information Regarding the Human Rights Committee’s Periodic Review of the United States of America in its 109th Session* [Reproductive Rights]

## Issue 17: Indefinite Detention at Guantánamo Bay

The continued, prolonged detention without charge of most of the 166 detainees in Guantánamo Bay, Cuba can rise to the level of cruel, inhuman, and degrading treatment in violation of its prohibition under the ICCPR.<sup>76</sup> Although the United States does not categorize any of the detainees as approved for “indefinite detention,” the prolonged detention without charge or trial for an indefinite duration becomes “indefinite” regardless of the label.<sup>77</sup> Indefinite detention has led to “profound depression and vegetative symptoms, with all the attendant degradation of multiple aspects of health”<sup>78</sup> and can lead to similar physical and psychological effects on the families and loved ones of detainees as well.<sup>79</sup>

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<sup>74</sup> Update to Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights* at 228a

<sup>75</sup> *Id.*

<sup>76</sup> Joint Submission, *The United States’ Compliance with the International Covenant on Civil and Political Rights with Respect to the Continued Detention Without Charge or Trial of Prisoners for an Undefined Duration at the Guantánamo Bay Detention Facility* at 255.

<sup>77</sup> *Id.* at 256, 258.

<sup>78</sup> *Id.* at 256.

<sup>79</sup> *Id.*

Not fully raised in the Committee’s List of Issues, but of equal concern is the practice of force-feeding of competent Guantánamo detainees on hunger strike.<sup>80</sup> During this practice, detainees are strapped into a metal chair and immobilized, while tubes pumping liquid nutrition are forcibly inserted into the detainee’s nostrils.<sup>81</sup> This practice has been described by a U.S. judge as “a painful, humiliating and degrading process.”<sup>82</sup>

### **Issue 17 Recommendations**

- The U.S. Government should end the indefinite detention scheme at Guantánamo Bay as soon as possible.
- Should the U.S. Government proceed with the Periodic Review Board process discussed in the U.S. response, it should be open, transparent, and provide all necessary due process to detainees.
- The Secretary of Defense should order the immediate end of all force-feeding of competent Guantánamo prisoners and allow independent medical professionals to review and monitor the status of hunger-striking prisoners.

### **Reports Informing this Section Include:**

- Joint Submission, *The United States’ Compliance with the International Covenant on Civil and Political Rights with Respect to the Continued Detention Without Charge or Trial of Prisoners for an Undefined Duration at the Guantánamo Bay Detention Facility*

### **Issue 18: Juveniles in Adult Facilities**

Youth in the United States continue to be subjected to adult criminal sentences and incarceration in adult facilities despite federal prohibitions against these practices.<sup>83</sup> The Prison Rape Elimination Act (PREA), while a laudable step, requires separation but does not prohibit placing youth in adult settings and does not and cannot require state compliance.<sup>84</sup> This practice places youth in grave danger of other abuses, including physical and sexual abuse by officials and inmates, abusive use of electro-muscular disruption devices, and “protective” solitary confinement.<sup>85</sup>

### **Updates to Issue 18 Joint Submission on Juveniles in Adult Facilities**

In October 2013, federal grant funds were mandated to be withheld from facilities failing to comply with the implementation of PREA, however money has not been withheld because the Department of Justice has not set a date for states to certify compliance. Consequently, children continue to be held in prisons and jails without sight and sound separation from adults, limitations on solitary confinement and education and treatment consistent with their juvenile status. Further, the state of Michigan has taken the position that PREA’s requirements are “recommendations.”<sup>86</sup>

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<sup>80</sup> *Id.* at 258.

<sup>81</sup> *Id.* at 257-258.

<sup>82</sup> *Id.* at 258, citing *Dhiab v. Obama*, Civil Action No. 05-1457 (D.C. District Court, July 2013), available at <http://legaltimes.typepad.com/files/gitmo-order.pdf>.

<sup>83</sup> Joint Submission, *Youth Incarcerated in Adult Prisons in the U.S.* at 262.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> Update to Joint Submission, *Youth Incarcerated in Adult Prisons in the U.S.* at 270a.

## **Juvenile Life Without Parole**

Recent U.S. Supreme Court decisions barring LWOP sentences for children convicted of non-homicide offenses (*Graham v. Florida*), and barring mandatory LWOP sentences for children convicted of homicide offenses (*Miller v. Alabama*) are a positive step forward yet thousands of individuals continue to serve life without parole sentences for crimes committed as children. *Miller* does not categorically prohibit juvenile LWOP sentences in homicide cases and two children have been sentenced to life without parole sentences in the state of Michigan alone post-*Miller*. Additionally, many state courts including in Pennsylvania and Michigan have refused to give *Miller* retroactive effect. A related issue involves extremely long sentences imposed on children resulting in de facto life without parole sentences, a practice that some state and federal courts have ruled unconstitutional.<sup>87</sup>

## **Issue 18 Recommendations**

- Encourage state law reform to ensure youth under 18 are not tried or sentenced as adults or incarcerated in adult jails and prisons.
- Encourage states and localities to implement the Prison Rape Elimination Act's requirements and enforce the regulations.
- Reauthorize and expand protections of the Juvenile Justice Prevention Act to all juveniles, irrespective of whether they are tried as adults.

## **Reports Informing this Section Include:**

- Joint Submission, *Youth Incarcerated in Adult Prisons in the U.S.* Update to Joint Submission, *Children in the Adult Criminal Justice System*

## Issue 19: Detention of Immigrants

The ICCPR recognizes that non-citizens in the United States have the rights to freedom from discrimination (Article 2), to not be subjected to inhuman or degrading treatment or punishment (Article 7), to liberty and security of person (Article 9), as well as to due process and fair deportation procedures (Article 13).<sup>88</sup> The U.S. Government imposes mandatory detention for a wide array of cases, including asylum seekers, others in expedited removal, or persons with criminal convictions, without discretion to release or place under bond or other supervised release conditions and without access to individualized custody determination.<sup>89</sup> Mandatory detention for asylum seekers risks re-traumatization of refugees who are already in a psychologically delicate state.<sup>90</sup> Many detention facilities, often contracted out to private prison companies, fail to provide access to adequate physical and mental medical care, family and legal counsel, and rehabilitative and educational services.<sup>91</sup>

The United States also mandatorily deports people without consideration of individualized circumstances, such as family ties, in numerous cases. Additionally, the government has increasingly relied on streamlined immigration procedures that fail to guarantee rights of due process, access to counsel, and other fundamental safeguards of fairness.<sup>92</sup> The right to an

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<sup>87</sup> *Id.*

<sup>88</sup> See Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens* at 271.

<sup>89</sup> *Id.* at 271, 272-273.

<sup>90</sup> *Id.* at 271.

<sup>91</sup> *Id.* at 271, 278-279.

<sup>92</sup> *Id.* at 271, 275-277.

individualized, case-by-case assessment of the need to detain and criminally prosecute is undermined by the use of automatic prosecutorial programs, such as Operation Streamline.<sup>93</sup> Immigration cases have made up the largest category of federal convictions for the past three consecutive years.<sup>94</sup>

Particularly disconcerting is the U.S. Government's resumption of deportations to Haiti despite the continuing humanitarian crisis following the January 2010 earthquake.<sup>95</sup> This crisis is even more severe for deportees due to a deadly cholera epidemic, which has prompted the U.S. Department of State to advise its own residents against travel to Haiti.<sup>96</sup> Haitian jails and detention centers, where deportees have traditionally been held following deportation, are breeding grounds for cholera.<sup>97</sup> Deportees also face discrimination and stigmatization, inability to access medicine and medical care, unemployment, gender-based sexual violence, and cultural and language barriers, with little or no family support in Haiti.<sup>98</sup>

## **Updates to Issue 19 on Joint Submission on Detention of Immigrants**

### **Mandatory Detention Quota, Lack of Judicial Authority, Detention Conditions**

In January 2014, Congress reached a \$1.1 trillion spending deal which provides over \$5 billion in funding for Immigration and Customs Enforcement (ICE) with nearly \$2.8 billion for ICE detention and removal operations. The bill includes a mandate that ICE fulfill an arbitrary quota and detain a minimum of 34,000 migrants each day. There are also documented cases of individuals held in detention for years because an immigration judge does not have the authority to order release.<sup>99</sup> An updated assessment by Detention Watch Network (DWN) in November 2013 of the ten worst detention facilities and additional detention centers in the country found that the immigration detention system continues to be plagued by deaths and suicides, inadequate medical and mental health care, subpar food, restricted access to legal resources, and more. In 2013 alone, 9 individuals died in immigration detention; three of the deaths were suicides. As of late January, 2014, ICE has failed to respond to the findings.<sup>100</sup>

### **Recent Changes to Material Support for Terrorism Bar**

On February 5, 2014, the U.S. government expanded exemptions available to individuals for immigration relief who pose no threat to the security of the United States, but are blocked from refugee, asylum or other immigration status based on the "material support to terrorist organizations" bar.<sup>101</sup>

### **Deportations to Haiti**

In December 2013, a delegation of non-governmental organizations including members of the civil society who will be in Geneva for the ICCPR review, traveled to Haiti and met with 38 individuals with criminal convictions who had been deported from the United States to Haiti since the catastrophic earthquake in 2010. Of the 38 individuals, two of them had been granted precautionary measures by the Inter-American Commission on Human Rights prior to their

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<sup>93</sup> *Id.* at 271, 274.

<sup>94</sup> *Id.* at 271.

<sup>95</sup> Joint Submission, *Written Statement on Deportations to Haiti* at 294.

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 295.

<sup>99</sup> Update to Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens* at 292a.

<sup>100</sup> *Id.* at 292b.

<sup>101</sup> *Id.* at 292d.

deportations. The delegations observations from Haiti indicate that the conditions there remain dire and that Haiti is experiencing a protracted humanitarian crisis, which is exacerbated for deportees who routinely face pervasive discrimination, stigmatization, poverty, and trauma, and particularly for women and LGBT individuals, sexual assault as a result of their deportee status. The delegation spoke with deportees who were returned to Haiti despite suffering from severe medical and mental health issues, and also met with several deportees who were being held in a state-run mental health institution against their will.<sup>102</sup>

### **Issue 19 Recommendations**

- Halt the practice of prosecuting in the criminal justice system people charged with immigration offenses such as unlawful entry.
- Immediately implement enforceable detention standards to ensure humane treatment.
- Cease the practice of detaining asylum seekers and explore community-based alternatives to detention.
- Call for immediate suspension of deportations to Haiti until it can be determined that conditions are safe and humane for individuals to be returned to Haiti.
- Request for clarification on whether practice of mandatory detention of immigrants who lack identification documents, or are charged with the commission of crimes, will be eliminated. How will the U.S. ensure that each decision to detain a non-citizen is made after an assessment of the functional need for detention, and steps taken to ensure judicial oversight over decisions to detain such immigrants.
- Request clarification on whether immigrants detained on criminal charges are promptly informed of the charges against them and brought before a judicial authority, and are given access to legal counsel and legal assistance.

### **Reports Informing this Section Include:**

- Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens*, Update to Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens*
- Joint Submission, *Written Statement on Deportations to Haiti*. Update to Joint Submission, *Written Statement on Deportations to Haiti*

### **Additional Considerations**

**Access to Counsel in Civil Cases:** Because a categorical right to counsel in civil cases is not recognized under the federal Constitution, millions of poor and low-income people in the United States are unable to obtain legal representation in facing a crisis such as eviction, domestic violence, workplace discrimination, termination of subsistence income or medical assistance or loss of child custody.<sup>103</sup> The failure to ensure a right to counsel in civil cases contravenes the United States' obligations to provide meaningful access to justice and protect the rights of racial minorities, low-income individuals, women, and migrants.<sup>104</sup>

### **Update to Access to Counsel in Civil Cases**

In New York City: Sixty percent (60%) of detained immigrants do not have counsel by the time

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<sup>102</sup>Update to Joint Submission, *Written Statement on Deportations to Haiti* at 299a-c.

<sup>103</sup> Joint Submission, *Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases* at 301.

<sup>104</sup> *Id.* at 300-301.

their cases are completed.” According to the New York Immigrant Representation Study, “ICE transfers almost two-thirds (64%) of those detained in New York to far-off detention centers (most frequently to Louisiana, Pennsylvania, and Texas), where they face the greatest obstacles to obtaining counsel. Individuals who are transferred elsewhere and who remain detained outside of New York are unrepresented 79% of the time.” In one instance, Dave Pierre, an Antiguan immigrant, was held in ICE detention for over 3 years and transferred to 7 different immigration detention facilities across the United States in 25 days.<sup>105</sup>

### **Additional Recommendations**

- Support research to assess the immediate and long-term financial and other consequences for courts, court users, and communities when court users lack counsel in civil cases.
- Fully fund the Legal Services Corporation at a level sufficient to meet the need for free or low cost legal assistance.
- Enact federal legislation to guarantee right to counsel in immigration proceedings and all civil cases in federal court where liberty interests or basic human needs are at stake.
- Request for clarification regarding which steps are taken to ensure that immigrants, in particular those with children and unaccompanied alien children, are not held in jails or jail-like detention facilities.

### **Reports Informing this Section Include:**

- Joint Submission, *Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases*, Update to Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens*

## **E. Elimination of Slavery and Servitude (arts. 8 and 24)**

### **Issue 21: Human Trafficking and Sexual Exploitation of Minors**

The U.S. Government, though taking notable steps, has failed to address human trafficking in a comprehensive and coordinated manner, leaving significant gaps and many victims unprotected.<sup>106</sup> The government has failed to take sufficient measures to identify and investigate labor trafficking cases in violation of its obligations under Articles 8 and 24 of the ICCPR.<sup>107</sup> U.S. child trafficking victims are likely to have some interaction with the child welfare system, yet the government fails (1) to protect children already in the system who are particularly vulnerable to trafficking, and (2) to meet the unique needs of trafficking survivors who are placed in the child welfare system following their rescue.<sup>108</sup> Finally, the U.S. Government has failed to coordinate anti-trafficking efforts among and between federal and local agencies and has provided insufficient and inconsistent funding and training to combat trafficking.<sup>109</sup>

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<sup>105</sup> Update to Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens* at 292b

<sup>106</sup> Joint Submission, *Troubling Gaps in the U.S. Response to Human Trafficking under the International Covenant on Civil and Political Rights* at 306.

<sup>107</sup> *Id.* at 306-307.

<sup>108</sup> *Id.* at 307-308.

<sup>109</sup> *Id.* at 308-309.

Particularly concerning, victims of trafficking are often treated and prosecuted as criminals, rather than crime victims.<sup>110</sup> The U.S. Government's almost-exclusive emphasis on a criminal justice approach to trafficking, which, while important to apprehend and arrest traffickers, frequently results in unintended harms for people who are trafficked into the sex trade.<sup>111</sup> The abusive and degrading nature of their arrests as well as the stigma and harms of criminal records violates the rights of trafficking survivors to be free from cruel, inhuman or degrading treatment and exposes them to additional risks of exploitation by traffickers.<sup>112</sup>

### **Update to Issue 21 Joint Submission Human Trafficking & Sexual Exploitation of Minors**

A rights-based approach in compliance with ICCPR Articles 7 and 8, calls for due diligence in prosecution of cases, protection of victim witnesses, and freedom from cooperation requirements in exchange for remedies. Some states have enacted statutes to allow survivors to vacate convictions that were a result of trafficking. Since our previous submission, we have become aware of three additional states that have enacted vacatur statutes: Mississippi, Montana, and North Carolina, bringing the total number of states with vacatur remedies to sixteen (16) total.<sup>113</sup>

### **Issue 21 Recommendations and Questions**

- Ensure sufficient resources and authority to law enforcement agents to identify and investigate labor trafficking cases.
- Review laws and regulations related to forced labor, particularly those that disproportionately impact the rights of minority groups.
- Adopt measures to ensure the child welfare system has the necessary resources and training and services to protect vulnerable children from trafficking.
- Take affirmative measures to ensure the communication, cooperation, and coordination among federal and local agencies to combat human trafficking.
- Legally and effectively decriminalize the involvement of adult and child trafficking victims in the sex trade.
- Pass legislation allowing for all states to vacate criminal convictions that occur as a result of human trafficking if they have not yet done so.
- What remedies are in place to address the victimization of children who become human trafficking victims while in the custody of Child Protective Services?
- What is US Government doing to ensure that victim service providers, including faith-based providers are properly vetted by local, state and federal agencies to ensure they have adequate services to meet the needs of the human trafficking victims?

### **Reports Informing this Section Include:**

- Joint Submission, *Troubling Gaps in the U.S. Response to Human Trafficking under the International Covenant on Civil and Political Rights*
- Joint Submission, *Addressing Question 21(a) and 21(b) in the List of Issues on Criminalization of Trafficking Victims in the U.S. and Effective Remedies*
- New Submission, *Human Trafficking and Child Protective Services – A Failure to Protect and Serve*

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<sup>110</sup> Joint Submission, *Addressing Question 21(a) and 21(b) in the List of Issues on Criminalization of Trafficking Victims in the U.S. and Effective Remedies* at 313.

<sup>111</sup> *Id.* at 313, 315.

<sup>112</sup> *Id.* at 314.

<sup>113</sup> New Submission, *Human Trafficking and Child Protective Services – A Failure to Protect and Serve* at 317b.

## **F. Freedom of Speech and Expression (art. 19)**

The U.S. Government continues to use Title VI of the Civil Rights Act to suppress pro-Palestinian viewpoints on college and university campuses by making the unsupported argument that speech critical of Israeli state policies is anti-Semitic.<sup>114</sup> Federal investigations into these allegations are conducted in secret without the input of student groups whose speech is being misrepresented and have long exceeded their suggested time frames.<sup>115</sup> Student speech on this issue has been subsequently chilled, with students deliberately remaining silent on this issue for fear of reprisals, harassment, immigration consequences, criminal investigations or being labeled anti-Semitic.<sup>116</sup> While three pending investigations have commendably been dismissed, the same groups who used this civil rights law to harass and intimidate students have threatened to appeal the dismissals and to lodge similar complaints asking for investigations at other college campuses.<sup>117</sup>

### **Recommendations**

- Resolve relevant pending cases without delay.
- Delineate clear restrictions on the investigation of complaints that implicated speech and other expressive activity protected by Article 19.
- Institute a procedural mechanism whereby groups whose activities are directly implicated by a complaint may provide evidence and other input to the department.

### **Reports Informing this Section Include:**

- Joint Submission, *ICCPR Shadow Report: The Misuse of United States Law to Silence Pro-Palestinian Students' Speech and Expression*

## **G. Freedom of Assembly and Association (arts. 21 and 22)**

### **Issue 23: Exclusion of Agricultural and Domestic Workers and Independent Contractors**

According to Article 22 of the ICCPR, “Everyone shall have the right to freedom of association with others....”<sup>118</sup> There is no exemption permitted for any person based on the type of job they perform.<sup>119</sup> The exclusion under the National Labor Relations Act (NLRA) of public-sector workers, agricultural and domestic workers, and independent contractors has a direct negative impact on the overall working conditions for low-wage workers and workers’ rights to health, safety, and dignity.<sup>120</sup> The U.S. response fails to answer why certain classes of workers are

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<sup>114</sup> Joint Submission, *ICCPR Shadow Report: The Misuse of United States Law to Silence Pro-Palestinian Students' Speech and Expression* at 319.

<sup>115</sup> *Id.* at 320-321.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.* at 319.

<sup>118</sup> International Covenant on Civil and Political Rights, Article 22(1), opened for signature Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>119</sup> Joint Submission, *United States' Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination* [Excluded Workers] at 326.

<sup>120</sup> *Id.*

excluded and what steps are being taken to ensure the right to freedom of association is available to excluded workers.<sup>121</sup>

### **Update to Issue 23 Joint Submission on Exclusion of Agricultural and Domestic Workers**

Of the 140.5 million people in the civilian workforce, 33.5 million, or 23.8%, public-sector workers, agricultural and domestic workers, and workers categorized as independent contractors have no rights under the NLRA or any other labor law.<sup>122</sup>

#### **Issue 23 Recommendations and Questions**

- Guarantee protection and full remedies in labor laws to all workers, regardless of employment category or immigration status.
- Sign and ratify the International Labor Organization’s Convention concerning Decent Work for Domestic Workers.
- Create a federal “independent contractor board” to provide oversight and coordinate against misclassification as a way to avoid regulation and liability.
- Pass legislation with strong worker protections to guard against ongoing discrimination faced by workers in an irregular status when seeking to exercise their rights to freedom of association and collective bargaining.
- What is the U.S. doing to fulfill its obligation under Article 22 to protect and ensure that agricultural and domestic workers, as well as the growing number of temporary, part-time, subcontracted and contingent workers are guaranteed rights to remedies for violations of the freedom of association accorded under the ICCPR?
- What steps is the U.S. taking to ensure these exclusions do not have a discriminatory impact on workers on the basis of race, national origin, gender, or immigration status?
- What steps is the U.S. taking to ensure legal aid is available to all workers, regardless of migration status, in guaranteeing access to justice and equality under the law?
- What steps is the U.S. taking to ensure prosecutorial discretion is employed in deportation proceedings where undocumented workers and workers previously employed on temporary visas have suffered retaliation for engaging in the right to freedom of association and freedom of expression in the workplace, in violation of their rights accorded under Article 22 of the ICCPR?

#### **Reports Informing this Section Include:**

- Joint Submission, *United States’ Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination [Excluded Workers]*. Update to Joint Submission, *United States’ Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination [Excluded Workers]*

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<sup>121</sup> *Id.* at 325.

<sup>122</sup> Update to Joint Submission, *United States’ Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination [Excluded Workers]* at 338a.

## **H. Right to Take Part in the Conduct of Public Affairs (art. 25)**

### **Issue 26: Voting Rights (persons with felony convictions, voter disenfranchisement, residents of Washington, D.C.)**

Several U.S. states retain laws and practices that severely restrict access to voting in contravention of the right to take part in the conduct of public affairs (Article 25) and non-discrimination principles under Article 2 of the ICCPR. These restrictions, which disproportionately affect low-income individuals and racial minorities, include restrictive identification requirements, highly inaccurate lists of individuals to be removed from voter rolls, restrictions on community-based voter registration drives, long waiting lines up to 7 hours in some locations, and attempts to cut early in-person voting by several days.<sup>123</sup> Officials in one county have been accused of attempt to suppress Latino votes by providing the wrong election day on flyers written in Spanish.<sup>124</sup>

Article 25 of the ICCPR requires elections by universal suffrage.”<sup>125</sup> However, for over 200 years, unlike all other taxpaying citizens, the U.S. Government has systematically denied the residents of the District of Columbia the fundamental right to equal suffrage in the U.S. Congress by prohibiting their vote for and election of representatives to the U.S. Senate and House of Representatives.<sup>126</sup> This issue has been exhaustively examined by myriad human rights bodies over the past twenty years.<sup>127</sup> While three bills are currently before Congress that would grant residents of the District of Columbia various degrees of voting right in Congress, their passage remains highly doubtful.<sup>128</sup>

For a discussion of voting rights implications for persons with felony convictions, see separate submission from The Lawyers’ Committee for Civil Rights Under the Law, as well as report submitted to inform the List of Issues.

### **Updates to Issue 26 Joint Submission on Voting Rights**

#### **Voting Rights Act Developments**

As of June 2013, the United States Congress effectively nullified a key component of the Voting Rights Act (“VRA”) under its decision in *Shelby County, Ala. v. Holder*, invalidating the formula used to identify the state and local jurisdictions with the most troubling records of race discrimination in voting. These jurisdictions were then required, under Section 5 of the VRA, to obtain “preclearance” or pre-approval from the U.S. Department of Justice or a federal district court before implementing potentially discriminatory voting changes. Currently, Section 3(c) “bail-in” requires litigation, potentially costly for plaintiffs, as well as a finding of *intentional* race discrimination, which can be more difficult to demonstrate than instances where a voting practice has a racially discriminatory *impact*.<sup>129</sup>

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<sup>123</sup> Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Voting Rights] at 343-344.

<sup>124</sup> *Id.* at 344.

<sup>125</sup> Joint Submission, *Continuing Violations of Equal Political Participation for the Residents of the District of Columbia* at 346.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.* at 347.

<sup>128</sup> *Id.*

<sup>129</sup> Update to Joint Submission, *Voting Rights Acts Developments, Presidential Commission on Election Administration, Felony Disenfranchisement* at 345a

Congress' introduced the Voting Rights Amendment Act of 2014 in January, which includes a new "preclearance" mechanism that focuses on recent acts of discrimination, as well as an expanded judicial "bail-in" provision for a voting violation found to have a discriminatory result as well as intent, new public notice and disclosure requirements, and enhanced preliminary relief when challenging certain types of voting changes that are likely to be discriminatory.<sup>130</sup>

### **Presidential Commission on Election Administration**

In January 2014, the bipartisan Presidential Commission on Election Administration ("PCEA") issued the results of a six-month examination of voting and election administration across the U.S. The PCEA recommendations include: deliberative resource allocation, improved polling place management, standardized poll worker training and diversification of the poll worker workforce, online voter registration, expansion of voting opportunities outside of Election Day, improved ballot design, electronic poll books, election data collection, and increasing funding and resources for election administrators.<sup>131</sup>

### **Felony Disenfranchisement**

In 2014, the Kentucky House of Representatives passed a bill that would give voters the opportunity to amend the state constitution by referendum to automatically restore voting rights for many individuals with felony convictions upon completion of their full sentences (including probation and parole).<sup>132</sup>

### **Issue 26 Recommendations**

- Establish an independent election commission to preside over elections and maintain accountability over political parties.
- Enact such legislation as may be necessary to grant the residents of the District of Columbia equal representation in the U.S. Congress.

### **Reports Informing this Section Include:**

- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Voting Rights], Update to Joint Submission, *Voting Rights Acts Developments, Presidential Commission on Election Administration, Felony Disenfranchisement*
- Joint Submission, *Continuing Violations of Equal Political Participation for the Residents of the District of Columbia*.

### Additional Considerations

**Chicago School Closings:** The City of Chicago, the third largest city in the United States, recently closed 49 public elementary schools—representing 10 percent of all public schools in the city.<sup>133</sup> In making these decisions, which have disproportionately impacted minority African American and disabled children, the Mayor-appointed Chicago Board of Education did not adequately consider the widespread public opposition to the closures, an action violating rights under Articles 25 and 26 of the ICCPR.<sup>134</sup> These closing also contravene the right to life (Article

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<sup>130</sup> *Id.* at 345b

<sup>131</sup> *Id.* at 345b.

<sup>132</sup> *Id.* at 345c.

<sup>133</sup> Joint Submission, *Independent Information for the 107th Session of the Human Rights Committee* [Chicago School Closings] at 352.

<sup>134</sup> *Id.* at 352, 353, 357.

6) and rights of the child (Article 24) by forcing children to walk through-gang controlled areas and greatly increasing risks of violence to reach new schools.<sup>135</sup>

### **Additional Recommendations**

- Take steps to ensure equal access to quality education for minority African-American and disabled children in municipalities where public schools are closed and address the discriminatory effect of these closings.
- Establish an independent federal body to investigate the lack of meaningful public participation in the decisions to close public schools.

### **Reports Informing this Section Include:**

- Joint Submission, *Independent Information for the 107th Session of the Human Rights Committee* [Chicago School Closings]

## **I. Other Considerations**

**Exposure to Toxic Chemicals:** The U.S. Government has failed to address the human rights, particularly the right to life, of those living in and around chemical factories and/or oil refineries.<sup>136</sup> Environmental hazards and toxic exposure may cause extreme, immediate death or slow, long-term effects such as cancers and respiratory diseases.<sup>137</sup> Communities of color, particularly African-Americans, Asian-Americans, Indigenous peoples, Latinos, and low income individuals are disproportionately impacted by constant exposure to toxic chemicals.<sup>138</sup>

### **Updates to Exposure to Toxic Chemicals**

On January 9, 2014, about 300,000 West Virginians were exposed to toxic chemical, including MCHM (4-methylcyclohexane methanol) and a mix of polyglycol ethers caused by Freedom Industries' chemical spill. On January 29, a West Virginia state official told legislatures that he can guarantee that some residents are breathing in a cancer causing substance from the spill that occurred earlier in January. The scientists do not know either the short- or long-term effects of these chemicals because little or no research has been done.<sup>139</sup>

On February 2, 2014, another disaster occurred near Eden, North Carolina. At Duke Energy's closed Dan River Power Stations approximately 50-82,000 tons of toxic coal ash and up to 27 million gallons of wastewater ran into the Dan river. This spill is the 3<sup>rd</sup> largest in U.S. history. It took Duke Energy 26 hours to report the accident to the public.<sup>140</sup>

### **Recommendations**

- Insist that corporations such as Chevron fund changes to reduce fires, explosions, and emissions as well as provide healthcare for communities affected by the pollution.

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<sup>135</sup> *Id.* at 356-357.

<sup>136</sup> Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals] at 360.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> Update to Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals] at 367a.

<sup>140</sup> *Id.*

**Reports Informing this Section Include:**

- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals], Update to Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals]

**Rights of Indigenous Peoples:** An additional and separate alternative report and update has been submitted by the International Indian Treaty Council on the protection of Indigenous Peoples' sacred places and ways of life, free and prior informed consent, self determination, and other environmental and cultural rights.

**Report:** International Indian Treaty Council, *Consolidated Indigenous Peoples Alternate Report*.

# Table of Contents

A) <b>Constitutional and Legal Framework within which the Covenant is Implemented</b>	1
a) Federal Role in Ensuring State and Local Implementation	2
B) <b>Non-Discrimination and Equal Rights of Men and Women</b>	7
a) Racial Disparities in the U.S. Criminal Justice System	8
b) NYPD Stop and Frisk	34
c) Update to Joint Submission NYPD Stop and Frisk ( <i>titled - Abusive Stop and Frisk Practices and Violations of the International Covenant on Civil and Political Rights</i> )	40a
d) Racial Profiling	41
e) Update to Joint Submission on Racial Profiling ( <i>titled - US Compliance with the International Covenant on Civil and Political Rights [Racial Profiling/Police Misconduct]</i> )	45a
f) U.S. Immigration Enforcement Against Human Rights Defenders	46
g) Homelessness in the United States	66
h) Reproductive Rights	71
i) Shackling of Incarcerated Pregnant Women	
ii) Immigrant Women’s Access to Healthcare	
iii) Abortion Laws	
i) Access to Justice for Migrant Workers	94
j) Hate Crimes and Failure to Protect	98
k) Structured Racialization and Food Insecurity in the United States	122
C) <b>Right to Life</b>	132
a) Death Penalty in the United States	133
b) Update to Joint Submission on Death Penalty in the United States	161a-b
c) Stand Your Ground Laws	162
d) Violence Against Women	169
e) Update to Joint Submission on Stand Your Ground Laws and Violence Against Women ( <i>titled - Domestic Violence, Gun Violence, and “Stand Your Ground” Laws in the United States</i> )	212a-c
f) Police Misconduct and Extra-judicial and Summary Executions	213
g) Fukushima Radiation Disaster Response .	219
D) <b>Prohibition of Torture and Cruel, Inhuman, or Degrading Treatment or Punishment, Right to Liberty and Security of Person, and Treatment of Persons Deprived of their Liberty</b>	224
a) Political Prisoners and Criminalizing Dissent	225
Appendix: Critical Medical Cases and Records	
b) Update on Political Prisoners and Criminalizing Dissent	228a
c) Shackling of Incarcerated Pregnant Women	229
d) Indefinite Detention and Forced Feed in Guantánamo Bay Detention Facility	255
e) Youth in Adult Prisons.	262
f) Update to Joint Submission on Youth in Adult Prisons ( <i>titled - Children in the Adult Criminal Justice System</i> )	270a-b
g) Rights of Refugees, Asylum Seekers and Other Non-Citizens	271
h) Update to Joint Submission on Rights of Refugees, Asylum Seekers and Other Non-Citizens	292a-f
i) Deportations to Haiti	293
j) Update to Joint Submission on Deportations to Haiti	292a-c
k) Access to Counsel in Civil Cases	300
E) <b>Elimination of Slavery and Servitude</b>	305
a) U.S. Response to Human Trafficking	306
b) Criminalization of Trafficking Victims	313

c)	New Submission on Human Trafficking ( <i>titled - Human Trafficking and Child Protective Services – A Failure to Protect and Serve</i> )	317a-c
F)	<b>Freedom of Speech and Expression</b>	318
a)	Silencing Pro-Palestinian Students’ Speech and Expression	319
G)	<b>Freedom of Assembly and Association</b>	324
a)	Excluded Workers	325
b)	Update to Joint Submission on Excluded Workers ( <i>titled- Workers' Rights to Freedom of Association, Equality, and Non-Discrimination</i> )	338a-b
H)	<b>Right to Take Part in the Conduct of Public Affairs</b>	339
a)	Voting Rights	340
b)	Update to Joint Submission on Voting Rights [Felony Disenfranchisement]	345a-b
c)	Equal Political Participation for Residents of Washington, D.C	346
d)	Chicago School Closings	352
I)	<b>Other Considerations: Toxic Chemicals</b>	360
a)	Update to Joint Submission on Toxic Chemicals	367a
J)	<b>New Submission on Indigenous Rights</b>	367b

## Appendix A: List of Submissions

### A. Constitutional and Legal Framework within which the Covenant is Implemented (art. 2)

- Joint Submission, *Closing the Gap: The Federal Role in Ensuring Human Rights at the State and Local Level*
  - Columbia Law School's Human Rights Institute
  - International Association of Official Human Rights Agencies

### B. Non-Discrimination and Equal Rights of Men and Women (arts. 2, para. 1; 3; and 26)

- Joint Submission, *Report of the Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System*
  - The Sentencing Project
- Joint Submission, *Stopped, Seized, and Under Siege: U.S. Government Violations of the International Covenant on Civil and Political Rights through Abusive Stop and Frisk Practices*
  - Center for Constitutional Rights
- Update to Joint Submission, *Abusive Stop and Frisk Practices and Violations of the International Covenant on Civil and Political Rights*
  - Center for Constitutional Rights
- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Racial Profiling]
  - Meiklejohn Civil Liberties Institute
- Update to Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Racial Profiling and Police Misconduct]
  - Meiklejohn Civil Liberties Institute
- Joint Submission, *Deporting the Evidence: Migrant Workers in the South Expose How U.S. Immigration Enforcement against Human Rights Defenders Violates the International Covenant on Civil and Political Rights*
  - New Orleans Workers' Center for Racial Justice
  - The Congress of Day Laborers, New Orleans
  - Loyola University New Orleans College of Law, Stuart H. Smith Law Clinic and Center for Social Justice Human Rights Project
- Joint Submission, *Cruel, Inhuman, and Degrading: Homelessness in the United States under the International Covenant on Civil and Political Rights*
  - The National Law Center on Homelessness and Poverty
  - Yale Law School Allard K. Lowenstein International Human Rights Clinic
- Joint Submission, *Supplemental Information Regarding the Human Rights Committee's Periodic Review of the United States of America in its 109th Session* [Reproductive Rights]
  - Center for Reproductive Rights
- Joint Submission, *Access to Justice and Healthcare for Migrant Farmworkers in the United States: A Shadow Report*
  - Maryland Legal Aid
- Joint Submission, *Failure to Protect: U.S. Violations of the International Covenant on Civil and Political Rights*
  - The International Center for Advocates Against Discrimination
- Joint Submission, *Structural Racialization and Food Insecurity in the United States*
  - Haas Institute for a Fair and Inclusive Society at the UC-Berkeley
  - Professor Miguel Altieri, Department of Environmental Science, Policy, and Management, UC-Berkeley
  - Food First Institute
  - Oakland Institute

- Professor Molly Anderson, Partridge Chair in Food and Sustainable Agriculture Systems, College of the Atlantic
- Food Empowerment Project
- Urban Tilth
- Edible Schoolyard Project
- Food and Water Watch
- Center for Food Safety

**C. Right to Life (art. 6)**

- Joint Submission, *Shadow Report on the Death Penalty in the United States*
  - The Advocates for Human Rights
  - Reprieve
- Update to Joint Submission, *Shadow Report on the Death Penalty in the United States*
  - The Advocates for Human Rights
  - Reprieve
- Joint Submission, *Written Statement on Stand Your Ground Laws*
  - The Dream Defenders, Inc.
  - Community Justice Project of Florida Legal Services, Inc.
  - National Association for the Advancement of Colored People (NAACP)
- Joint Submission, *Written Statement on Violence Against Women*
  - The Advocates for Human Rights
  - University of Miami School of law Human Rights Clinic
  - Legal Momentum
- Update to Joint Submission, *Domestic Violence, Gun Violence, and “Stand Your Ground” Laws in the United States*
  - The Advocates for Human Rights
  - University of Miami School of law Human Rights Clinic
  - Legal Momentum
  - Women Enabled, Inc
- Joint Submission, *Raising the Issue of Continued Discrimination via Police Misconduct and Extra-judicial/Summary Executions Committed with Impunity on American Born People of Afrikan Descent*
  - Chicago Alliance Against Racist and Political Repression
- Joint Submission, *Suggested Urgent Issue for the U.S. re Fukushima Radiation*
  - Fukushima Response
  - Berkeley Fellowship of Unitarian Universalists Social Justice Committee
  - Meiklejohn Civil Liberties Institute

**D. Prohibition of Torture and Cruel, Inhuman, or Degrading Treatment or Punishment, Right to Liberty and Security of Person, and Treatment of Persons Deprived of their Liberty (arts. 7, 9, 10, 12, 13, 14)**

- Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights*
  - Malcolm X Center for Self Determination
  - National Jericho Movement for Amnesty and Freedom of All (U.S.) Political Prisoners
- Update to Joint Submission, *Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights*
  - Malcolm X Center for Self Determination
  - National Jericho Movement for Amnesty and Freedom of All (U.S.) Political
- Joint Submission, *The Shackling of Incarcerated Pregnant Women: A Human Rights Violation Committed Regularly in the United States*

- University of Chicago Law School International Human Rights Clinic
- Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)
- The National Prison Project of the ACLU Foundation
- Joint Submission, *The United States' Compliance with the International Covenant on Civil and Political Rights with Respect to the Continued Detention Without Charge or Trial of Prisoners for an Undefined Duration at the Guantánamo Bay Detention Facility*
  - The Center for Victims of Torture
- Joint Submission, *Youth Incarcerated in Adult Prisons in the U.S*
  - ACLU Michigan Juvenile Life without Parole Initiative
  - International Women's Human Rights Clinic
  - Campaign for Youth Justice
  - University of Miami Human Rights Clinic
- Update to Joint Submission, *Children in the Adult Criminal Justice System*
  - ACLU Michigan Juvenile Life without Parole Initiative
  - International Women's Human Rights Clinic
  - Campaign for Youth Justice
  - University of Miami Human Rights Clinic
- Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens*
  - The Advocates for Human Rights
- Update to Joint Submission, *Violations of the Rights of Refugees, Asylum Seekers and Other Non-citizens*
  - The Advocates for Human Rights
- Joint Submission, *Written Statement on Deportations to Haiti*
  - University of Miami School of law Human Rights Clinic and Immigration Clinic
  - Americans for Immigrant Justice
  - Center for Constitutional Rights
  - Alternative Chance
  - Haitian Women of Miami (FANM)
- Update to Joint Submission, *Written Statement on Deportations to Haiti*
  - University of Miami School of law Human Rights Clinic and Immigration Clinic
  - Americans for Immigrant Justice
  - Center for Constitutional Rights
  - Alternative Chance
  - Haitian Women of Miami (FANM)
- Joint Submission, *Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases*
  - Columbia Law School Human Rights Clinic
  - National Coalition for a Civil Right to Counsel
  - National Legal Aid & Defender Association
  - Maryland Legal Aid Bureau, Inc.
  - National Center for Access to Justice at Cardozo Law School
  - Brennan Center for Justice
  - Center for Law and Social Policy
  - Sargent Shriver National Center on Poverty Law
  - Columbia Law School Human Rights Institute
  - Northeastern University School of Law Program on Human Rights and the Global Economy

#### **E. Elimination of Slavery and Servitude (arts. 8 and 24)**

- Joint Submission, *Troubling Gaps in the U.S. Response to Human Trafficking under the International Covenant on Civil and Political Rights*
  - Santa Clara University School of Law International Human Rights Clinic

- Joint Submission, *Addressing Question 21(a) and 21(b) in the List of Issues on Criminalization of Trafficking Victims in the U.S. and Effective Remedies*
  - City University of New York School of Law International Women’s Human Rights Clinic
  - Legal Aid Society, Trafficking Victims Advocacy Project
  - Urban Justice Center, Sex Workers Project
- New Submission, *Human Trafficking and Child Protective Services – A Failure to Protect and Serve*
  - Sunny Slaughter Consulting

**F. Freedom of Speech and Expression (art. 19)**

- Joint Submission, *ICCPR Shadow Report: The Misuse of United States Law to Silence Pro-Palestinian Students’ Speech and Expression*
  - Asian Americans Advancing Justice-Asian Law Caucus
  - American Muslims for Palestine
  - Council on American Islamic Relations-San Francisco Bay Area
  - Center for Constitutional Rights
  - National Lawyers Guild International Committee

**G. Freedom of Assembly and Association (arts. 21 and 22)**

- Joint Submission, *United States’ Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination [Excluded Workers]*
  - United Workers Congress
  - Robert F. Kennedy Center for Justice & Human Rights
  - International Commission for Labor Rights
  - National Lawyers Guild, Labor and Employment Committee
  - National Lawyers Guild, International Committee
  - Transnational Legal Clinic, University of Pennsylvania Law School
  - Cornell University Labor Law Clinic
  - New Orleans Worker Center for Racial Justice
  - Vermont Workers Center
  - Border Network for Human Rights
  - Migrant Justice
- Update to Joint Submission, *United States’ Compliance with the International Covenant on Civil and Political Rights Freedom of Association and the Right to Equality and Non-Discrimination [Excluded Workers]*
  - United Workers Congress
  - Robert F. Kennedy Center for Justice & Human Rights
  - International Commission for Labor Rights
  - National Lawyers Guild, Labor and Employment Committee
  - National Lawyers Guild, International Committee
  - Transnational Legal Clinic, University of Pennsylvania Law School
  - Cornell University Labor Law Clinic
  - New Orleans Worker Center for Racial Justice
  - Vermont Workers Center
  - Border Network for Human Rights
  - Migrant Justice

## **H. Right to Take Part in the Conduct of Public Affairs (art. 25)**

- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Voting Rights]
  - Meikeljohn Civil Liberties Institute
- Joint Submission, *Continuing Violations of Equal Political Participation for the Residents of the District of Columbia*
  - World Rights
- Joint Submission, *Independent Information for the 107th Session of the Human Rights Committee* [Chicago School Closings]
  - Midwest Coalition for Human Rights
  - University of Chicago School of Law's International Human Rights Clinic
- Update to Joint Submission, Voting Rights, Felony Disenfranchisement (submitted directly to UN Human Rights Committee in September 2013)
  - Lawyers Committee for Civil Rights Under Law
  - American Civil Liberties Union

## **I. Other Considerations: Toxic Chemicals**

- Joint Submission, *United States Compliance with the International Covenant on Civil and Political Rights* [Toxic Chemicals]
  - Meikeljohn Civil Liberties Institute
- Update to Joint Submission, Toxic Chemicals
  - Meikeljohn Civil Liberties Institute

**Report on Indigenous Rights** (Please note that a Consolidated Indigenous Peoples Alternate Report was submitted by the International Indian Treaty Council)

- Submission on Indigenous Rights
  - Meikeljohn Civil Liberties Institute