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Joint written statement* submitted by the Organization for Defending Victims of Violence, the Kham Rehabilitation Center for Victims of Torture, the Charitable Institute for Protecting Social Victims, the Network of Women's Non-governmental Organizations in the Islamic Republic of Iran, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The United States of America

In the US Unfortunately fully enjoyment of the treaty rights is affected by factors such as race, nationality, ethnicity, indigenous status, income and gender.

US law falls short of international standards by generally protecting only against intentional discrimination, not policies or practices that have a discriminatory effect, as required under ICERD and other international human rights treaties.

There remain wide inequalities in areas such as housing, employment, education, healthcare and the criminal justice system. Racial disparities continue to exist at every stage of the criminal justice system. It can be said that Discrimination permeates all aspects of life in the U.S., and extends to all communities of color, and when coupled with discrimination on the basis of gender, sexual orientation, disability, or other bases, can have a devastating impact on the full panoply of fundamental rights provided for under the Universal Declaration of Human Rights. As many independent experts believe, the U.S. response to Hurricanes Katrina and Rita bring into sharp focus the ways structural racism impacts all aspects of human security, from housing, food, employment, education, health, and environmental justice.

Persons of color continue to live in isolated, segregated communities, and have been disproportionately affected by the current mortgage and foreclosure crisis.

From another perspective, discrimination and segregation in housing and education, combined with discrimination in U.S. criminal justice system, all contribute to inequalities in employment and discrimination in the enjoyment of the right to decent work. Discrimination in the employment opportunities and in the right to decent work persists because of relatively narrow and narrowly-interpreted antidiscrimination laws, denials of employment on the basis of criminal histories, and whole categories of workers who are disproportionately persons of color who are statutorily excluded from workplace protections.

The effects of excessive and discriminatory school discipline policies follow persons of color and sometimes directly result in discriminatory treatment in the criminal justice system which incarcerates African Americans and Latinos at rates far greater than Whites, due partly to ongoing racial profiling and discriminatory sentencing policies.

For example the percentage of African American inmates inside US prison in comparison the whole nation's African American population is higher than the white population. And the rape and sexual abuse rates among Native American women is higher, but these crimes are dealt with less than white population related crimes.

Also according to statistics, the police brutality increases against racial and ethnic minorities, and furthermore all evidence indicates that the American justice system uses racial and economic discrimination when issuing death sentences.

There is also clear evidence that there has been a failure to protect women, the poor and people of color who were disproportionately affected by predatory lending practices and the mortgage crisis. In 2006, the Consumer Federation of America reported that, "women were 32 percent more likely to receive loans than men." Strong data was also presented about racial and class inequities regarding income and ethnic groups. Unfortunately but not surprisingly, these data are getting worse and worse.

Alongside these cases, the violation of Native Americans rights where they lose their rights in their sacred grounds, and the unilateral annulment of treaties by the US government are also causes for concern for human rights defenders with regards to the United States.

It is unfortunate that despite the passing of over 2 centuries since the founding of the United States of America, who is still claiming to spread human rights across the world, still in the most basic frameworks and the law this country is not able to prevent the rights of racial, ethnic and religious minorities from being violated. We hope that the recommendations presented by countries with regards to the elimination of discrimination from within US laws, a real atmosphere of change appears in this country, and that the sheer volume of human rights violation of minorities are reduced by the next UPR on the United States.

Furthermore, following the 9/11 attacks, on the excuse of defending its citizens, the United States government initiated the global war on terror, which almost ten years since its start, itself has become one of the biggest factors and causes in the gross violation of human rights at the international level. Tailing, apprehending, interrogating and torturing of terror acts suspects, without considering minimum rights for them in going through fair trial processes, secret transfer of the suspect from countries they were apprehended in to third countries in order to avoid detainees rights protection laws, and ultimately invasion and occupation of Afghanistan and Iraq on the excuse of war on terror which resulted in the death and injury of over one million civilians, all are direct results of America's behaviour at the international level over the last ten years mainly in the war on terror. In this regard, the several instances of reported violation of fundamental rights that include US military torturing and mistreating terror suspects in different parts of the world, has been the centre of attention of human rights defenders. America's failure to observe international laws in apprehension and transfer of these individuals, holding them in secret detention centres, the use of inhuman methods to get confession and prosecuting them in military commissions are the most blatant cases of violation of human rights by this country.

The USA PATRIOT Act of 2001 and the REAL ID Act of 2005 expanded the class of individuals who are inadmissible to the U.S. for having provided material support to a terrorist organization, rendering bona fide refugees and asylum seekers ineligible for protection. The political activities which form the very basis of many refugees' claims for protection have, under U.S. law, now been defined as "terrorist activities" barring them from refugee status, asylum, family reunification, or permanent resident status.

In dealing with counterterrorism detainees after 2001, the United States breached its obligations under the UN Convention against Torture (CAT) and other sources of international human rights and humanitarian law.

Tens of thousands of individuals have been imprisoned in U.S. facilities in Afghanistan, Iraq, Guantánamo Bay, and secret CIA prisons throughout the world. Some prisoners were transferred for interrogation to the custody of nations known to have committed grave and repeated human rights abuses. U.S. detention and interrogation policies have resulted in systematic human rights violations, including torture and cruel, inhuman, and degrading treatment.

The United States sought to justify the prolonged detention of terrorist suspects outside the United States without charges or trial by classifying prisoners as "unlawful enemy combatants" who, the United States claimed, were not subject to regulation under the Geneva Conventions or international humanitarian law. One result of this policy was that the United States authorized the CIA to operate "black sites" where prisoners were effectively "disappeared", in some cases for years, and neither the International Committee of the Red Cross nor family members were informed of their whereabouts.

Another point to note is the human rights violation cases that have been committed by private security companies who are equipped by the US government in Afghanistan and Iraq. For example over the recent years almost 90 new private security firms have been set up – mostly American – which on the excuse of the inability of local security forces in establishing safety, provide security for different foreign and domestic companies that

include banks, hotels, accompanying NATO caravans, and construction sites. Nevertheless often deeming themselves self impunity from their actions, not only do these security firms spread lawlessness and corruption in Afghanistan, but in several instances they have violated the basic rights of Afghan by the workers and officials of these companies have been reported which often meet with US forces indifference. A while back a private prison was discovered in Kabul where through the Americans investigation it was discovered that it had been set u by one of the American private security companies.

In view of all the evidence we present the following recommendations to prohibit and restrict the United States government in the continuation of human rights violations of innocent people on the pretext of war on terror:

1. Direct intervention of UN human rights bodies in the trial proceedings of detainees in Guantanamo, Bagram and other probable detention centres of official and unofficial American forces, to put pressure on the US government to observe international commitments with regards to treatment of prisoners and detainees.

2. Human Rights Council to attempt to put pressure on the United States to give a specific date for the shutting down of Guantanamo.

3. Appointment of a special rapporteur for conducting field studies in Afghanistan and Iraq to investigate and document cases of human rights violation of citizens and civilians during the attack and occupation of these countries.

4. We call upon the Afghan and Iraqi governments to adopt laws that prohibits from American private security companies from being registered and formed, and to provide a new deadline for the departure of these firms, so that in the future the Afghan and Iraqi people shall not witness grave human rights violations being committed in their own countries.
