

The Organization for Defending Victims of Violence (ODVV)

Society for Supporting Victims of Domestic Violence (SVDV)

The United States of America

Submission to the UN Universal Periodic Review

**22nd Session of the UPR Working Group of the UN Human Rights Council
April-May 2015**

Executive Summary:

1- This report deals with practical, monitoring and research actions of the Organization for Defending Victims of Violence & Society for Supporting Victims of Domestic Violence in some fields' namely international instrument, women, children, minorities, and detention to the second round of United States' UPR. Although there are problems and challenges in all aforementioned areas which the United States government must make more efforts to improve them.

2-ODVV & SVDV the preparers of this report, towards practical, monitoring and research actions that have done on the abovementioned subjects, present the following recommendations for the improvement of human rights in these areas:

About us

3- The Organization for Defending Victims of Violence (ODVV) is a nongovernmental, nonpolitical and nonprofit organization in Special Consultative Status to ECOSOC, and was founded in 1988. Some of the benefits of the 25 year history of the ODVV is the provision of legal and humanitarian services, holding of education courses, holding of general and thematic researches by using experienced and expertise teams in the issues that are required by society, production and publication, transfer of experiences and effective presence in international conferences.

4- The ODVV is associated to or member of the following organizations and associations:

- Network of NGOs for the formation of the international criminal court
- The International Rehabilitation Centre for Torture Victims (IRCT) (membership in its Central Council)
- CONGO
- The AMAN Network of Rehabilitation Centres for Torture Victims in the MENA region, (Network's First Deputy)
- Asia Youth Network
- In Association with UNDPI

5- To-date (2014) the ODVV has taken part in all Human Rights Council Sessions and submitted written and oral statements held sideline panels, submitted consultative reports on human rights to UN mandate holders.



6- Society for Supporting Victims of Domestic Violence (SVDS) is an institute studying social issues. This center conducts studies in the fields of human rights, protecting victims of domestic violence & social harms.

Data collection method

7- To present a factual picture on arrears which this report covers, the preparers adopted a practical method based on the findings of exclusive and field researches, thematic researches, legal monitoring and also media monitoring regarding the activities taken place on the subject.

Challenges and Difficulties

International instrument and CP rights

8- Despite accepting recommendations based on the adoption of appropriate laws for the prevention of the violation of individual privacy, the US Government is on a daily basis increasing the monitoring of the internet and telephone conversations by intelligence agencies, and also the surveillance and body search of individuals is on the increase.

9- A recent report by the American Civil Liberties Union revealed that the FBI had been spying on political groups. The FBI and the Inspector General claim that the investigations into these groups were not inspired by their political beliefs, but instead on “speculation that the groups might commit a federal crime in the future.”¹

10- According to the Center for Media Justice, “though the spotlight is mostly on the National Security Agency’s domestic spying program, telecommunications companies are working hand in hand with the government – and its marginalized communities that are paying a hefty price.” As technology has grown, so has law enforcement’s ability to collect and retain unfathomable amounts of data on innocent Americans. What used to require a physical intrusion can now often be achieved remotely with little trace of government intrusion. Through a program, called Upstream, the NSA intercepts internet communications traveling through the United States collecting approximately \$26.5 million internet transactions annually. Despite the massive scope of this program, it accounts for only 9% of the internet content being collecting and analyzed by the NSA. The other 91% of communications collected comes from a program called PRISM. Through PRISM, the NSA receives and stores content directly from Internet Service Providers like Google, Apple, Yahoo, and Facebook. Content collected can include e-mail, chat, video, social networking info, and file transfer. PRISM and related programs gave NSA analysts the unprecedented ability to re-request surveillance on anyone, even domestically, using only their e-mail.²

11- According to the American Civil Liberties Union, agents/informants were not only tasked with observing but they also enticed or provoked the commission of illegal acts³. Their investigations targeted many peaceful activist groups such as “School of the America's Watch, Green-peace, and

¹ <https://www.aclu.org/sites/default/files/assets/unleashed-and-unaccountable-fbi-report.pdf>

² <http://centerformediajustice.org/2013/10/28/5-terrifying-truths-about-telecom-companies/>

³ <https://www.aclu.org/sites/default/files/assets/unleashed-and-unaccountable-fbi-report.pdf>



People for the Ethical Treatment of Animals, the Rocky Mountain Peace and Justice Center in Colorado, and the Thomas Merton Center for Peace and Justice in Pennsylvania, among many others.”⁴

11- Furthermore millions of American workers the majority of which are the parents of innocent children are working in different sectors, but due to bad working conditions and existence of discrimination against workers, they are faced with many problems in providing a living.

12- In November 2013, Attorney General Eric Holder, addressing 556 federally recognized tribes, addressed the problem that “nearly half of all Indian women and girls have experienced rape, physical violence, or stalking by an intimate partner [and] Indian women are murdered at a rate that – in some places – is more than 10 times the national average.”⁵

Migrant and seasonal workers:

13- Teenagers have the highest unemployment rate at 22.7%⁶ and Black teens find themselves in a particularly precarious position with a 38.2% unemployment rate compared to white teens with 20.5%.

14- Many of the occupations with the largest projected job growth are minority and female-dominated, but they are jobs such as home health aides and personal care aides, with earnings of only about 20,000 dollars per year.”⁷

15- According to the Bureau of Labor Statistics, more than one farmworker dies⁸ and hundreds are injured in work-related accidents *every day* while 30% of all farm workers had a family income below the federal poverty line.

16- Having a criminal record can keep many people from obtaining employment⁹. People of color “face an implicit racial bias throughout the criminal justice system. They are more likely than whites to be stopped by police and arrested, they often have inferior representation in court, and further, they receive harsher sentences.”¹⁰

17- According to a new study by the National Domestic Workers Alliance, 23% of domestic workers make less than the state minimum wage, and nearly half are paid below the level needed to adequately support a family as employers routinely withhold compensation or refuse to pay overtime. The study “found that domestic workers who were [undocumented] immigrants earned considerably less than those who were American-born or naturalized citizens.”¹¹

Right to Education, Health & Housing

⁴ <https://www.aclu.org/sites/default/files/assets/unleashed-and-unaccountable-fbi-report.pdf>

⁵ <http://www.theguardian.com/world/2013/nov/13/american-indian-tribal-leaders-conference-white-house>

⁶ <http://www.ushrnetwork.org/>

⁷ <http://www.contemporaryfamilies.org/Economic-Issues/the-gender-pay-gap-by-race-and-ethnicity.html>

⁸ http://www.progressivereform.org/articles/Contingent_Workers_1301.pdf

⁹ <https://www.ncjrs.gov/pdffiles1/nij/238488.pdf>

¹⁰ http://sentencingproject.org/doc/publications/rd_ICCPR%20Race%20and%20Justice%20Shadow%20Report.pdf

¹¹ <http://www.nytimes.com/2012/11/27/business/a-study-of-home-help-finds-low-worker-pay-and-few-benefits.html>



18- “African Americans who complete high school still have 18 percent unemployment, twice the white rate.”¹²

19- Wage inequalities based on race and gender is a significant human rights violation. On average, white women earn 81 cent for every dollar that white men earn.¹³

20- In 2012, 47 million non-elderly Americans were uninsured.¹⁴

21- As of September 2013, the uninsured rate for Hispanics was 29.1%. For Blacks it was 19%, and for Asians it was 15.1%, which is significantly higher than for non-Hispanic whites at 11.1%.¹⁵

22- Below poverty are at the highest risk of being uninsured, and this group accounts for 38% of all the uninsured.¹⁶

23-... “Today, children in the United States continue to be segregated by race and socioeconomic status and attend schools that are not only separate but grossly unequal in both resources and academic outcomes.”¹⁷

24- According to the Leadership Conference on Civil and Human Rights, “American students continue to attend schools that are deeply segregated by both race and class, and schools serving low-income families and racial minorities consistently lack the funding, resources, and faculty experience and expertise necessary to improve the education outcomes of minority students.”¹⁸

25- “In low-performing schools, principals and all or half of the staff will be fired. Schools that continue to get low test-scores will be closed or turned into charter schools or handed over to private management.”¹⁹

26- Domestic violence is a leading cause of homelessness, “especially for women and their children, and for unaccompanied youth. One in three women suffers abuse by an intimate partner [while] 43 percent of homeless youth leave home after enduring abuse by a caretaker.”²⁰

Women's rights and Children's right

27- Many of the occupations with the largest projected job growth are minority and female-dominated, but they are jobs such as home health aides and personal care aides, with earnings of only about 20,000 dollars per year.”²¹

¹² <http://www.epi.org/publication/unfinished-march-public-school-segregation/>

¹³ <http://www.ushrnetwork.org/>

¹⁴ <http://kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/>

¹⁵ <http://www.nytimes.com/2013/09/18/us/percentage-of-americans-lacking-health-coverage-falls-again.html>

¹⁶ <http://kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/>

¹⁷ <http://www.civilrights.org/publications/reports/still-segregated/lay-of-the-land.html>

¹⁸ http://www.prrac.org/pdf/Still_Segregated2013.pdf

¹⁹ http://www.huffingtonpost.com/diane-ravitch/obamas-race-to-the-top-wi_b_666598.html

²⁰ http://www.nlchp.org/Annual_Report

²¹ <https://contemporaryfamilies.org/Economic-Issues/the-gender-pay-gap-by-race-and-ethnicity.html>



28- Still, on an average day about 70,000 young men and women under the age of 21 are confined, overwhelmingly for non-violent offenses, and 7,560 youth under the age of 18 are held in adult jails.²²

29- Children of color, particularly African-American and Hispanic youth, are more likely to be arrested, charged, and tried as adults. They are also more likely to receive longer sentences, and are more likely to be in locked facilities when charged with the same offense as whites.²³

30-The ACLU shed light on the 3,728 people who currently serve life sentences for non-violent crimes, detailing that “it was nonviolent offenses like stealing a \$159 jacket or serving as a middleman in the sale of \$10 of marijuana. An estimated 65% of them are Black. Many of them were struggling with mental illness, drug dependency or financial desperation when they committed their crimes. None of them will ever come home to their parents and children. And taxpayers are spending billions to keep them behind bars.”²⁴

31- The extensive life sentences dished out to juveniles without the possibility of pardon is another case that is criticized by human rights defenders in America. They say that these punishments result in juveniles being deprived of their rights and face a grim future.

32- In 2012 Human Rights Watch reported that 500 juveniles that had been sentenced to life imprisonments in America without possibility of pardon had been subjected to sexual exploitations and physical violence by guards or fellow inmates.

33- According to international law individuals under 18 must be tried in juvenile courts and if found guilty must be kept in special juvenile prisons. This gives the children a chance to not be faced with moral exploitations and other forms of violence.

34- Many prisoners and even individuals under 18 are placed in solitary confinement for weeks and months. In July approximately 30,000 prisoners in California (a State which has the most solitary confinement prisoner population) went on hunger strike over their conditions.

35- The United States is one of the few countries that has not joined the CEDAW and the Convention on the Rights of the Child. And this causes notable problems in the protection of women and children's rights in this country even though according to the accepted recommendations from the first UPR, the United States has been committed unconditionally join these conventions, but to-date we have not seen any efforts in this regard.

36- “African American women earn 36 percent less than white men and Latinas [45 percent less than white men]. Today, in spite of increasing educational gains, women of color are especially likely to work in minimum-wage jobs, where even a full-time, year-round worker will earn just 14,500 dollars a year, scarcely enough to keep one person – let alone a family – afloat. In 2011, nearly 360,000 black and Latina women were paid hourly rates that were less than the minimum wage. Since Social Security

²²

<http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration>

²³<http://cjjr.georgetown.edu/certprogs/racialdisparities/racialdisparities.html>

²⁴<https://www.aclu.org/living-death-sentenced-die-behind-bars-what>



benefits are based upon an individual's lifetime earnings, these low wages hurt women well into retirement, leaving many elderly women in poverty or on the brink."²⁵

37-American women are faced with discrimination in employment and income. (According to Employment Department information and statistics women make up approximately two thirds of the work force in America, who in 2011 received only 61 percent of the minimum full time work wages).

38-This is while increasing activities towards the promotion of women and minorities' economic and social rights, bringing about equal decent employment opportunities, and the reduction of the number of the homeless and putting an end to child prostitution, violation against women, and armed aggression are all commitments made by America in its first UPR.

39- High number of crimes, violation of the lives of individuals, the high statistics of arrests and the possession of firearms are all examples of human rights violations in the United States of America. Over these last few years we have witnessed several instances of gun related violent crimes in America which is indicative of the lack of enough protection of the lives of the citizens and problems with personal safety in the country.

(According to figures published by the Federal Bureau of Investigation in September 2012, in 2011, approximately 386.3 crimes took place in every 100,000 population of the country). In January 2013, President Obama proposed a 23 stage plan for gun control, but in April the Senate voted against this proposal.²⁶

40- Estimates are that there are 1.6 to 2.8 million children living on the street²⁷ and 42% percent of homeless youth²⁸ experienced homelessness for one or more nights at some point in their lives following foster care

41-According to the report of the National Centre for Disappeared and Exploited Children, each year at least 100,000 children are trafficked across America. Sexual exploitation of children is another public health issue in America.²⁹ (According to a 5 November 2012 report, researches announced that 20 percent of adult women and between five and fifteen percent of men in America had experienced sexual abuse during childhood adolescence.) Every year more than 3 million reports of child abuse are made in the United States involving more than 6 million children (a report can include multiple children). The United States has one of the worst records among industrialized nations – losing on average between four and seven children every day to child abuse and neglect.

Detention Condition

42- With 2.2 million people currently in the nation's prisons or jails, representing a 700% increase since 1970³⁰ the United States re-mains the world's leader in incarceration. Despite the fact that Americans constitute only 5% of the world's population, the U.S. has 25% of world prisoners. The growth of for-

²⁵ <http://www.contemporaryfamilies.org/Economic-Issues/the-gender-pay-gap-by-race-and-ethnicity.html>

²⁶ www.fbi.gov

²⁷ <http://www.americanprogress.org/issues/lgbt/news/2010/06/21/7980/gay-and-transgender-youth-homelessness-by->

²⁸ http://homeless.samhsa.gov/ResourceFiles/hrc_factsheet.pdf

²⁹ www.preventchildabuse.org

³⁰ <http://www.sentencingproject.org/template/page.cfm?id=107>



profit imprisonment and the concomitant growing influence on federal and national policies has resulted in harsh sentencing and detention laws.³¹

43- It is said that life in prison without possibility of parole or pardon is one of the reasons behind the overcrowding of prisons in America, which results in the aging of the prison population. This has caused a lot of problems in prisons. Statistics show that till the end of 2011 there were 26,136 prisoners over the age of 65 in Federal and State prisons.

44- Due to felony disenfranchisement, 5.85 million Americans, and one in every thirteen African-Americans, are prohibited from voting due to laws that disenfranchise citizens convicted of felony offenses.³²

45- Over the last two decades, prisons in the United States have increasingly relied on solitary confinement, even building entire facilities which primarily serve to hold individuals for years and sometimes even decades in extreme isolation. Currently, there are over 80,000 people held in solitary confinement in America.³³

46- The findings of a study conducted by the American National Science Academy shows that more than 4% or 1 out of every 25 prisoners sentenced to death are innocent.³⁴ September 2013 was the tenth anniversary of the adoption of the Prison Rape Elimination Act, as a result of which the national standards for combating with rape and the punishment of offenders in prisons be raised, but the implementation of this act is still a challenge.

47- According to this report in the years 2011 and 12 approximately 4% of federal prisoners and 3% of prisoners in private run prisons had experienced sexual abuse at least once, and this is only part of the problem, because most cases of sexual abuse and rape committed against prisoners are gone unreported.

48- According to psychologists familiar with the subject, solitary confinement leads to “isolation panic,” “long-term depression and hopelessness,” the slow decline of “cognitive ability, as the prisoners’ intellectual skills begin to decay,” and often ultimately “a complete break-down.”³⁵

49- Human rights defenders believe that according to international law long term solitary confinement can be deemed as brutal and unnecessary punishments, which can even be one of the examples of torture.

50-Twenty-nine percent of Americans support closing the terrorist detention camp at Guantanamo Bay, Cuba, and moving its prisoners to U.S. prisons, while two in three (66%) oppose the idea. Despite the recent controversy surrounding the release of five Taliban prisoners held at

³¹ <https://www.aclu.org/blog/prisoners-rights-criminal-law-reform/happy-birthday-corrections-corporation-america-thirty>

³² <http://www.sentencingproject.org/template/page.cfm?id=133>

³³ <https://www.aclu.org/prisoners-rights/aclu-letter-iachr-human-rights-and-solitary-confinement>

³⁴ <http://www.medicaldaily.com/innocent-death-sentence-4-people-death-row-1977-likely-not-guilty-279434>

³⁵ <http://www.bbc.co.uk/news/magazine-22878268>



Guantanamo Bay in exchange for U.S. Army Sgt. Bowe Berghdal's release from Afghanistan, Americans' views have barely budged since 2009.³⁶

51- According to a report by the Government Accountability Office (GAO)³⁷, the ICE has failed to report allegations of sexual abuse and assault that were made in their immigrant detention facilities.

MINORITIES

52- Discrimination against racial and religious minorities and systematic actions against Muslims following the 9/11 attacks are some of the instances of serious human rights violations in America

53- A recent field experiment³⁸ revealed that there is a negative impact in all aspects of the hiring process for Muslim women wearing a hijab (religious headscarf) compared to women who did not wear a hijab. The experiment³⁹ tracked several areas of the hiring process, including the permission to complete job applications, job availability, job callbacks, interaction time, and perceived negativity and lack of interest by the employer.

54- Muslims make up less than one percent of the population of the country, but 14 percent of religious discrimination and 5 percent of job discrimination is against Muslims in the country.

55- As a consequence, according to the Leadership Conference on Civil and Human Rights, “American students continue to attend schools that are deeply segregated by both race and class, and schools serving low-income families and racial minorities consistently lack the funding, resources, and faculty experience and expertise necessary to improve the education outcomes of minority students.”⁴⁰

56- The New York Police Department (NYPD) has implemented a massive surveillance program targeting Muslim communities in New York and the surrounding states. The Program “deployed undercover officers and informants in mosques, schools, restaurants, and bodegas through-out the city to spy on the daily lives of thousands of Americans.”⁴¹

57- Council for Islam and America Relations (CAIR) recently announced that Islam phobia has escalated across America, and mosques in different States are under surveillance and pressure.

58- Although the United States has accepted the recommendations on fighting Islam phobia and Xenophobia, but insulting Islam and opposition with women Muslim women’s Islamic dress at work are some of the job discriminations imposed on American Muslims.

³⁶ http://www.gallup.com/poll/171653/americans-continue-oppose-closing-guantanamo-bay.aspx?utm_source=alert&utm_medium=email&utm_campaign=syndication&utm_content=morelink&utm_term=Politics

³⁷ <http://www.gao.gov/assets/660/659145.pdf>

³⁸ <http://www.manoa.hawaii.edu/news/article.php?aId=5783>

³⁹ <http://hum.sagepub.com/content/66/5/671.abstract>

⁴⁰ http://www.prrac.org/pdf/Still_Segregated2013.pdf

⁴¹ <http://www.theguardian.com/commentisfree/2013/feb/06/nypd-muslim-spying-handschu-guidelines>



59-In 2012, Section 5 of the VRA blocked highly-restrictive voter ID laws in Texas and a law in Florida that eliminated early voting days, which would have made it more difficult for hundreds of thousands of minority voters to cast a ballot.⁴²

60- Ethnic minorities in America do not enjoy equal political, social and economic rights. One example can be seen in the voting system, in such way that the right to vote for different races in America is limited.

61- In the November 2012 presidential elections in America, some Asian-Americans were prevented from casting votes. The UN Human Rights Council special report strongly criticizes the United States for failing to guarantee the right to vote for African and Hispanic Americans of the country.

62-Disenfranchisement of individuals with prior criminal convictions affects millions of people who are disproportionately people of color. It is estimated that 5.85 million potential voters in the United States are disenfranchised due to prior criminal convictions. Almost 7% of all individuals with prior convictions are African American (as compared with 1.8% of the rest of the country)⁴³ and although it is known that laws disenfranchising individuals with prior criminal convictions disproportionately affect Latinos, reliable data on this issue is not readily available. The fact that one of every 13 African Americans has lost the right to vote due to state bans on ex-prisoner voting⁴⁴ makes the failure of the United States to act on this issue problematic in the face of its national and international obligations.

JUSTICE

63- On average whites, African Americans and Native Americans use similar amounts of drugs, but are arrested very differently, tried and imprisoned. For example Four times more African Americans get arrested for the use of marijuana than white Americans, even if they have used lesser amount than whites. This is while only 13 percent of America's population is African American but 41 percent of the prison population is made up of African Americans.

64-More than 60% of prisoners are racial and ethnic minorities. Due to a variety of factors, such as drug sentencing disparities, pretext searches, racial profiling, an increasing amount of military policing, combined with mandatory drug sentences, prosecutorial overcharging, predatory plea-bargains, disproportional crime/drug arrest rates⁴⁵, long-term social and economic disenfranchisement, and the school-to-prison pipe-41 line, African Americans today are incarcerated at nearly six times the rate of whites and constitute nearly 1 million of the total 2.3 million incarcerated population⁴⁶

65-The number of “women in prison increased by 646% between 1980 and 2010, rising from 15,118 to 112,797. Including women in local jails, more than 205,000 women are now

⁴² <http://www.brennancenter.org/analysis/voting-rights-act-protecting-voters-nearly-five-decades>

⁴³ http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf

⁴⁴ http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf

⁴⁵ <http://newjimcrow.com/>

⁴⁶ <http://www.naacp.org/pages/criminal-justice-fact-sheet>



incarcerated” and “Black females had an imprisonment rate nearly three times that of white females.”⁴⁷

66-Black women are victims of sexual assault, “the political dynamics of a prison nation interact with racial and other stigmas in such a way that women of color are more likely to be treated as criminal than as victims when they are abused.” A contemporary example of this criminalization of victims is Marissa Alexander, a Black woman in Florida who received a 20 year prison sentence for firing warning shots in the air (in self-defense) to ward off her physically abusive husband⁴⁸. In September 2013, an appeals court granted Alexander a new trial⁴⁹, and after being denied bail in November⁵⁰, the court released Alexander on bond⁵¹ until her retrial. Though only 10% of the survivors of hate crimes are transgender women, they make up 45% of all reported hate murders⁵² and 87% of those murders were transgender women of color.⁵³

67-In August 2013, Islan Nettles⁵⁴, a transgender woman of color was “savagely beaten [to death]...by a man shouting homophobic slurs in Harlem.”⁵⁵

68-The prohibition of torture in all prisons and detention centers and the closing of Guantanamo and other secret detention centers around the world was another recommendation which the US Government accepted in the first round of the UPR on the USA, but serious steps have not taken in this regard.

69- In early 2013 a number of Guantanamo inmates went on hunger strike in protest to their continued detention and their conditions in prison. Prison official force fed them though a nasal tube to prevent the inmates from dying, and according to human rights groups force feeding of prisoners is a violation of international human rights standards. But America claimed that these measures were taken for the protection of the lives of prisoners force feeding prisoners was very painful.

70- The US government also in its approach to the Guantanamo detainees, continues to try them in military commissions, whereas international law calls upon states to try civilians in civilian courts fairly. These commissions also lack international standards for the holding of fair trials.

71- The indefinite and immediate detention of individuals suspects of terrorism, without being charged or tried, and their incarceration in Guantanamo has entered its 12th year. Currently there are 162 detainees in the centre.⁵⁶

⁴⁷ <http://www.corrections.com/news/article/30166-statistics-on-women-offenders>

⁴⁸ http://www.huffingtonpost.com/2012/05/19/marissa-alexander-gets-20_n_1530035.html

⁴⁹ <http://thegrio.com/2013/09/26/marissa-alexander-granted-retrial/>

⁵⁰ <http://thegrio.com/2013/11/14/angela-corey-seeks-vindication-in-marissa-alexander-case/>

⁵¹ <http://www.theguardian.com/world/2013/nov/28/marissa-alexander-released-florida-stand-your-ground>

⁵² <http://www.avp.org/resources/avp-resources/248>

⁵³ <http://www.equalityohio.org/index.php/component/content/article/188-for-cemia>

⁵⁴ http://www.huffingtonpost.com/2013/08/23/islan-nettles-nyc-hate-crime-_n_3804335.html

⁵⁵ http://www.huffingtonpost.com/2013/08/23/islan-nettles-nyc-hate-crime-_n_3804335.html

⁵⁶ <http://nation.time.com/author/nraymantime/>



72- According to this report, the release or transfer of 82 inmates has been established, but America claims because of the going security and existing conditions concerns in the countries of birth of the inmates or third countries where they are due to be sent to, America has refrained from doing so.

73- Once again in 2013 Barak Obama promised to shut down Guantanamo prison, but these promises have not been fulfilled.

Recommendation

International instrument & CP rights

74- Withdraw reservations, denunciations, and interpretations of the Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture, which undermine their compliance.

75- Ratify ICESCR and its Optional Protocol, the first Optional Protocol to the International Covenant on Civil and Political Rights, CEDAW, the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance.

76- Ratify the International Convention for the Protection of All Persons from Enforced Disappearances and the Convention on Rights of Persons with Disabilities in order to further strengthen their support to the United Nations Human Rights mechanisms.

77- Ratify the following conventions and protocols: the Statute of the International Criminal Court, those of the ILO, the United Nations Declaration on Indigenous Peoples, and all those from the Inter-American Human Rights System.

78- Proceed with the ratification of Additional Protocols I and II of the Geneva Conventions of 1949.

79- Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the right to nondiscrimination established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice

Labor, migrants

80- Make further efforts in order to eliminate all forms of discrimination and the abuse of authority by police officers against migrants and foreigners

81- Ensure that migrants in detention, subject to a process of expulsion are entitled to counsel, a fair trial and fully understand their rights, even in their own language

82- Guarantee the access of migrants to basic services, regardless of their migratory status

83- Avoid the criminalization of migrants and ensure the end of police brutality, through human rights training and awareness-raising campaigns, especially to eliminate stereotypes and guarantee that the incidents of excessive use of force be investigated and the perpetrators prosecuted

84- Consider ratifying ILO Convention 100 on equal remuneration for men and women for work of equal value, and ILO Convention 111 on discrimination in employment and occupation

85- Ratify the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

86- Creation of suitable basis for the enjoyment of the right to employment and fair working conditions, to a point where workers women, minorities and migrants who have no education certificates do not become victims to prejudice or exploitation.

87- Recognize the right to association as established by ILO, for agricultural workers and, domestic workers and migrant.

88- Reconsider restrictions on undocumented migrants' access to publicly supported healthcare.

89- Make greater efforts to guarantee the access of migrants to basic services, regardless of their migratory status.

Detention Condition

90- Creation of a legislative and executive basis to combat racial prejudice and preparation of the basis for equal enjoyment of the right to housing, employment and education.

91- Prevent and repress the illegitimate use of violence against detainees.

92- Take measures with a view to prohibiting and punishing the brutality and the use of excessive or deadly force by the law enforcement officials and to banning torture and other ill-treatment in its detention facilities at home and abroad.

93- Take appropriate legislative and practical measures to improve living conditions through its prisons systems, in particular with regard to access to health care and education.

94- Investigation of tortures allegation, extrajudicial executions and other serious violations of human rights committed in Guantanamo, Abu Ghraib, Bagram, the NAMA and BALAD camps, and those carried out by the Joint Special Operations Command and the CIA.

Minorities

95- Preparation of a programme with the aim of reduction of the growth of Islam phobia and xenophobia within society.



96- Creation of a legislative and executive basis against racist campaigns committed against immigrants and minorities.

97- Adopt a fair immigration policy, and cease xenophobia, racism and intolerance to ethnic, religious and migrant minorities.

98- Promote equal socio-economic as well as educational opportunities for all both in law and in fact, regardless of their ethnicity, race, religion, national origin, gender or disability.

Guantanamo

99- Quickly close down Guantanamo prison and follow the provision of the United Nations Charter and the Security Council Resolution by expatriating the terrorist suspect to their country of origin.

100- Close without any delay all detention facilities at the Guantanamo Bay as President Barack Obama has promised.

101- Invite United Nations Special Rapporteurs to visit and investigate Guantanamo Bay prison and United States secret prisons and to subsequently close them.

102- Prosecute the perpetrators of tortures, extrajudicial executions and other serious violations of human rights committed in Guantanamo, Abu Ghraib, Bagram, the NAMA and BALAD camps, and those carried out by the Joint Special Operations Command and the CIA.

Woman & children

103- Take the necessary measures to consider lifting the United States reservation to article 5, paragraph 6 of the International Covenant on Civil and Political Rights that bans the imposition of the death penalty for crimes committed by persons under 18.

104- Consider raising to 18 years the minimum age for the voluntary recruitment to the armed forces, and explicitly define as a crime the violation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

105- End the execution of mentally-ill persons and minors.

106- Further foster its measures in relation to migrant women and foreign adopted children that are exposed to domestic violence.

107- Define, prohibit and punish the trafficking of persons and child prostitution.

108- Prevent slavery of agriculture workers, in particular children and women.

109- Take the necessary measures in favor of the right to work and fair conditions of work so that workers belonging to minorities, in particular women and undocumented migrant workers, do not



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become victims of discriminatory treatment and abuse in the work place and enjoy the full protection of the labour legislation, regardless of their migratory status.