

ADVANCE QUESTIONS TO THE UNITED STATES OF AMERICA – ADD.4

AZERBAIJAN

- The Human Rights Committee (HRC) recommended that the United States strengthen existing mechanisms mandated to monitor the implementation of human rights at federal, state, local and tribal levels, and consider establishing an independent national human rights institution, in accordance with the Paris Principles.

What measures the government of the United States takes to address these concerns?

- The Committee on the Rights of the Child (CRC) recommended the implementation of a national plan of action to combat the sale of children, child prostitution and child pornography and ensure that the National Strategy for Child Exploitation Prevention and Interdiction and related planning mechanisms cover all offences under Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC).

Could the government of the United States indicate the concrete steps that have been taken in order to lift the concern of CRC?

- The Committee on Elimination of Racial Discrimination (CERD) reiterated its concern that the definition of racial discrimination used in federal and state legislation and in court practice was not in line with the Convention. It called upon the United States to, inter alia, prohibit racial discrimination in all its forms and broaden the protection afforded by law. CERD reiterated its concern at the lack of prohibition of racist hate speech and the underreporting of hate crimes. The HR Committee and CERD remained concerned about the practice of racial profiling and surveillance by law enforcement officials targeting certain ethnic minorities. The HR Committee and CERD urged the State to combat racial profiling, inter alia by expanding protection against profiling on the basis of religion, religious appearance or national origin.

Which measures are envisaged by the Government in order to address the concerns of CERD and HRC in this regard?

What concrete measures are taken by the Government in order to prevent discrimination, hate speech and hate crimes trends in the society?

- CERD was concerned at the large number of gun-related deaths and injuries, which disproportionately affected members of racial and ethnic minorities, particularly African Americans. It urged the United States to reduce gun violence by, inter alia, adopting legislation expanding background checks for all private firearms transfers

and reviewing the “stand your ground” laws. The HR Committee and the Special Rapporteur on violence against women, its causes and consequences made similar recommendations. The HR Committee was concerned about the use of lethal force by Customs and Border Protection (CBP) officers and urged the State to ensure that the new CBP directive on the use of deadly force was enforced.

What measures have been taken with regard to these recommendations?

- In 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged the Government to ensure that solitary confinement was only imposed, if at all, in very exceptional circumstances, and indicated that keeping a person in solitary confinement for more than four decades clearly amounted to torture. The Committee against Torture (CAT) and the HR Committee were concerned about the practice of prolonged solitary confinement, and recommended, inter alia, that solitary confinement regimes be banned. CAT urged the United States to ensure that no one was held in secret detention under its de facto effective control and reiterated that such detention constituted per se a violation of the Convention.

How was the recommendation of CAT satisfied?

- In 2014, the United Nations High Commissioner for Human Rights expressed concern at the disproportionate number of young African Americans who had died in encounters with police officers, or who were in prisons and on death row. CERD reiterated its concern at the brutality and excessive use of force by law enforcement officials against members of racial and ethnic minorities, which had a disproportionate impact on African Americans and undocumented migrants. CAT expressed similar concerns.

What concrete measures have been taken by the Government of the United States in order to analyze and eliminate the concrete reasons for the brutality and excessive use of force by law enforcement officials in US?

- CAT recommended that the United States ensure that all instances of police brutality and excessive use of force by law enforcement officers were investigated promptly, effectively and impartially by an independent mechanism, with no institutional or hierarchical connection between the investigators and the alleged perpetrators; and provide effective remedies and rehabilitation to the victims

What examples could the Government bring that would display ensuring accountability of those who have been involved in such violations? Could the Government present the statistical data concerning the cases of excessive use of force by police in USA?

- CERD was concerned at the increased use of racial profiling to determine immigration status and to enforce immigration laws, and called upon the United States to, inter alia, guarantee access to legal representation in all immigration-related matters.

What measures does the Government take in order to curb negative racial profiling in US society?