

Hold U.S. Accountable for Its Human Rights Record

The Advocates for Human Rights conducts an unscientific focus group at its Minnesota State Fair booth, taking Minnesotans' pulse about human rights. We have a Wheel of Fortune-like spinning device—answer a question and get some cool human rights swag!

One question stumped fairgoers: “When will the United Nations next review the human rights record of the United States?” “Never” was the common response. The correct answer? In a few short weeks, U.S. officials will appear before the U.N.’s Human Rights Committee in Geneva to discuss human rights here at home.

The U.S. has ratified several human rights treaties, including the International Covenant on Civil and Political Rights. In so doing, it agrees to conduct “self-audits” showing how it upholds its treaty obligations. In addition, civil society organizations submit independent audits—called “shadow reports”—to shed more light on human rights issues. The Advocates contributed two shadow reports, focusing on non-citizens in detention and on the death penalty.

Shadow reports don't drop into a black hole. A committee of independent treaty experts—here, the Human Rights Committee—reviews them and will meet with U.S. officials October 17-18 to ask questions and make recommendations about how our nation can better uphold its treaty obligations.

Immigration detention: no right to a hearing

Our first report addresses the rights of non-citizens in detention. The Advocates represents a client who fled to the U.S. three times, fearing for his safety in his home country. The first two times, immigration officials discouraged him from pressing an asylum claim, warning that he'd languish in jail while awaiting a decision—potentially for years.

After threats and attacks escalated back home, he returned, telling immigration officials he couldn't go back. In March, they sent him to a Minnesota county jail notorious for its onerous conditions for long-term detainees. There's no way to know how long our client will sit in jail, waiting for a decision in his case.

Most county jails, ordinarily used for pre-trial detention, are equipped for stays of less than one week. They typically don't have exercise facilities, kitchens, education or vocational programs, or even opportunities for inmates to breathe fresh air.

Non-citizens facing mandatory detention and expedited removal don't have a right to a hearing before an immigration judge to challenge their detention conditions or request a transfer, violating the fundamental right to a hearing and prohibitions on arbitrary detention.

The client's child and fiancée, Minnesota natives, face considerable burdens. With the client detained and unable to assist at home, the mother had to quit her job to take care of their small child who has medical issues.

Death penalty: limited rights to remedies

One human rights concern about the death penalty is that it is irreversible; human rights law recognizes the right to an effective remedy for violations of human rights. Even those who are exonerated find few available remedies for being wrongfully convicted and sentenced to die.

Many death penalty states don't have compensation laws for people to seek reparation. Other states often impose onerous eligibility barriers and offer meager compensation. Moreover, many death-row inmates are denied access to in-prison education and job-training programs. So exonerees face immense barriers reintegrating into society.

Consider Damon Thibodeaux, sentenced to death in Louisiana in 1997 after being convicted of murder and rape. Last year, with the help of Minneapolis attorneys Steve Kaplan and Richard Kyle of the Fredrikson and Byron law firm, a Louisiana court exonerated him.

After more than 16 years of incarceration, Damon left a Louisiana penitentiary in September 2012 to rebuild his life with nothing but a small bag of personal belongings. He has not received any compensation from the state of Louisiana.

Take a stand

Demand that our human rights treaties inform immigration reform and death penalty debates so the next time U.S. officials head to Geneva, they can point to legislative progress on these issues as evidence that our country takes its human rights obligations seriously.

By: Amy Bergquist, The Advocates for Human Rights' staff attorney who collaborated with volunteers on the drafting of the reports and the editor of the documents.