



AMERICA REPORT

Aim



Country	United States of America
Population	331 million
Capital	Washington D.C.
Languages	English. Also spoken: Spanish, Chinese, Tagalog
Religion	Protestantism, Catholicism, members of the Church of Jesus Christ of Latter-day Saints, Judaism
Ethnicities	American, Indian, Asian, Black or African American, Hispanic or Latino, Pacific Islander, White.

This monthly report aims to raise awareness towards human rights violations and discrimination against minority groups in the United States. It gives an overview of human rights violations in the country as well as the most recent issues that took place in February.

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United States of America

The United States of America is the second largest country and most populated in the American continent. It was established as a conglomerate of British colonies in the early 17th century, until it was proclaimed an independent State in 1776. In more recent times, the United States has become the main economic power in the world,¹ many times associated with prosperity, democracy and wealth, the so-called “American dream”.

Human rights violations against minorities in the United States

As highlighted by the Human Rights Watch Report of 2020 events,² human rights violations in the United States increased in relation to previous years. Racial discrimination alongside systemic racism, xenophobia, arbitrary detentions, excessive use of force by police authorities, as well as other infringements of civil and political nature are present in Americans daily lives. In the last four years of Donald Trump's administration, laws and policies invoked as discriminatory attempts of restricting migration, specifically of Muslims³ and those arriving in the southern border, who, without documents are returned to Mexico.⁴ Aside from targeted measures against minorities, American policies are often indirectly discriminatory, as systemic racism is enshrined in the social and political context. Such practices contribute to the long-standing status quo of racial and ethnic divide, in a society filled with economic disparity, poverty and inequality among those of Black, Latino and Native American backgrounds.

Measures restricting freedom of expression and assembly,⁵ as well as extra-territorial human rights violations, related to foreign policy action in the Middle East,⁶ must also be observed.

1. BBC, “The USA's International Influence” <https://www.bbc.co.uk/bitesize/guides/z6frqp3/revision/2>

2. Human Rights Watch [2020], “United States Events of 2020” <https://www.hrw.org/world-report/2021/country-chapters/united-states#>.

3. Federal Register [2017, January 27], Protecting the Nation from Foreign Terrorist Entry Into the United States <https://www.federalregister.gov/documents/2017/02/01/2017-02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states>.

4. Homeland Security [2019, January 24], “Migration Protection Protocols” <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

5. Committee to Protect Journalists, [2020, April 16] “The Trump Administration and the Media” <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>.

6. Daniel L. Byman [2020, January 6] “Trump's reckless Middle East policy has brought the US to the brink of war” <https://www.brookings.edu/blog/order-from-chaos/2020/01/06/trumps-reckless-middle-east-policy-has-brought-the-us-to-the-brink-of-war/>.

Race and ethnicity

In a country where over 13% of the population identifies as black or African American alone, systemic racism is still extremely present in social and hierarchical interactions. Such racial divide and discrimination is rooted in the early history of the United States, where colonialism came hand in hand with centuries of slavery. Even though slavery was abolished in 1865, it was replaced by methods of discrimination. The consequences of slavery materialised and manifested in several different ways, socially, economically and politically. Anti-literacy laws, which affected most or all people of colour, created a widespread problem of illiteracy among this population, which had implications in the following century, especially in regard to access to education and formal jobs.⁷

In the 20th century, discrimination continued with segregation policies in the federal sphere, measures which have contributed to the pervasive systemic racism still observed today.⁸ Practices such as racial segregation in public education, public places and events were common in many states throughout the country, especially in the South. It was not until the 1960s, where federal and state began to reverse the segregation laws, slowly integrating black people fully into American society. The Civil Rights Act of 1964 represented a step towards the protection of citizens against discrimination based on race, religion, sex or national origin, as well as dismantled segregated public accommodations.⁹

Even though aspects of American racism had changed and progressed in theory, frustration was high among African Americans who could already see that, in practice, through systemic oppression; racism; the social, economic and political gap was still present.

7. Collete Coleman, [2021, January 29] "How Literacy Became a Powerful Weapon in the Fight to End Slavery" <https://www.history.com/news/naturner-rebellion-literacy-slavery>.

8. Merve Yesilce, [2015] "The Role of Racism: the 20th Century United States" <https://www.grin.com/document/316541>.

9. History.com Editors [2021, February 10], Black History Milestone: Timeline <https://www.history.com/topics/black-history/black-history-milestones>.



Protesters during the "Black Lives Matter" demonstration holding a sign and gesturing the black resistance symbol. Credits: <https://www.tampabay.com/news/nation-world/2020/06/23/politifact-protesters-renew-call-for-reparations-for-african-americans/>

Today, one of the most evidenced ways racial discrimination can be observed in the context of police violence and the criminal legal system. UN Human Rights experts have recently appealed to Biden administration to adopt reforms to end police violence and tackle systemic racism.

Immigration and xenophobia

The United States is often seen as a prosperous destination for many migrants, where they hope to find work, education and overall better quality of life. Migrants have been present in the American society since the colonial period, and have come in several 'waves', both resulting from, and inciting, new immigration policies.¹² First directed at Asians,¹³ and shortly after expanded to most migrants, except those originally from Western Europe.¹⁴ Although the second half of the 20th century was

12. Abby Budiman [2020, August 20], Key Findings about U.S. Immigrants <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/>

13. Office of the Historian, Chinese Immigration and the Chinese Exclusion Acts <https://history.state.gov/milestones/1866-1898/chinese-immigration>

14. Elijah Alperin and Jeanne Batalova [2018, August 1] "European Immigrants in the United States" <https://www.migrationpolicy.org/article/european-immigrants-united-states-2016>.

characterised by immigratory liberalisation – with laws such as the Immigration and Nationality Act of 1965 and the Immigration Act of 1990 – it did not last long.¹⁵ Events of the early 21st century such as the World Trade Center terrorist attack and the 2008 financial crisis, imposed a backstop on immigration. Today, the biggest concern faced by the U.S. is the illegal border crossing, where thousands of Latin Americans risk their lives to enter the country in hopes of finding better employment, education and quality of life. With no legal to do so, however, they risk detention or deportation back into the unsafe circumstances from which they flex.¹⁶



Image of a pro-immigration protest in New York City. Credits:<https://www.alianzaamericas.org/blog/lets-not-be-fooled-the-xenophobic-agenda-continues/?lang=en>

15. Jennifer Ludden [2006, May 9], "1965 Immigration Law Changed Face of America <https://www.npr.org/templates/story/story.php?storyId=5391395>

16. Human Rights Watch [2020], United States Events of 2020 <https://www.hrw.org/world-report/2021/country-chapters/united-states#>.

Human Rights violations in February 2021

As the new year came about, the United States also underwent a change in its administration. Within the first month of office of President Joe Biden, a proposal for immigration reform has been released aiming to address the root causes of migration and responsibly manage the borders.¹⁷ It has been highlighted that, in his mandate, immigration reform is a priority and many of the previous policies will be scrapped. The U.S.-Guatemala Asylum Cooperative Agreement, and the never implemented U.S.-Honduras and U.S.-El Salvador Agreements, have been terminated. Instead the new bill proposes a constructive dialogue with these countries to understand what determines emigration. These agreements enabled the United States to expel non-Guatemalan asylum seekers to Guatemala without even allowing them to lodge asylum claims in the U.S. In doing that, these people were left without access to judicial protection in Guatemala, forcing them to abandon their asylum claims.¹⁸

Despite such promising step towards more comprehensive human rights to immigrants in the first months of 2021, in February, UN Human Rights experts have raised awareness to some violations.

The case of Noel Quintana and more anti-Asian hate

On the morning of the 3rd of February, Mr Noel Quintana, a 61-year-old Filipino American, was brutally attacked on New York City's subway on his way to work.¹⁹ Noel was hit in the face with a box cutter, which left him with deep wounds. The New York Police Department is still looking for suspects of the attack. The case of Mr Quintana exemplifies only one of many events motivated by racial discrimination against Asian Americans in the past month.

17. Karina Moreno [2021, January 3], Joe Biden's Immigration Reform Doesn't Do Enough to Help Migrant Workers <https://jacobinmag.com/2021/03/joe-biden-immigration-reform-us-citizenship-act>

18. U.S. Department of Homeland Security, "Fact Sheet: DHS Agreements with Guatemala, Honduras and El Salvador" https://www.dhs.gov/sites/default/files/publications/19_1028_opa_factsheet-northern-central-america-agreements_v2.pdf.

19. ABC New York [2021, February 5], "Man slashed across face in subway dispute speaks out, mayor denies crime problem" <https://abc7ny.com/subway-slashing-l-train-man-slashed-on-1st-avenue-station/10312535/>



Photo of Mr Noel Quintano after he was attacked on New York City's Subway. Credits: <https://abc7ny.com/subway-slashing-l-train-man-slashed-on-1st-avenue-station/10312535/>

In Oakland's Chinatown, a man, who was not motivated by criminal suspicion, pushed three Asian-American people, injuring a 91-year-old man, a 60-year-old man and a 55-year-old woman. It is believed that the violence was motivated by their race.²⁰ On the same note, a woman was recently charged in the state of California for spitting and yelling racist slurs at Asian-Americans. After telling an Asian-American man to “go back to where he came from”, the indicted was charged with hate crime.²¹

Similarly, Vicha Ratanapakdee, an 84-year-old Thai man, was violently shoved to the ground in San Francisco at the end of January. Ratanapakdee was rendered unconscious and passed away in the hospital two days later. The perpetrator was arrested with charges of murder on January 30th.²²

Family members, lawmakers and organisations believe that these attacks are fuelled by a discriminatory motivation of Anti-Asian hate. Such behaviour has been mainly present since the beginning of the pandemic but intensified in the past month.²³ The worrying numbers of attacks in February triggered a wave of social media protests against anti-Asian violence, raising awareness to racial discrimination in the United States.²⁴

20. Victoria Bekiempis [2021 February 20], “Alarming surge in anti-Asian violence across US terrified community members” <https://www.theguardian.com/us-news/2021/feb/20/anti-asian-violence-us-bigotry>

21. Tim Fitzsimons [2021 March 8], “Woman charged with anti-Asian hate crime of spitting on man in California” <https://www.nbcnews.com/news/asia-america/woman-charged-anti-asian-hate-crime-allegedly-spitting-man-california-n1260046>

22. Michael Barbra, [2021, February 18], Judge orders detention for teen held in fatal attack. Accessed: <https://www.sfoxaminer.com/news/judge-orders-detention-for-teen-held-in-fatal-attack/>

23. Scott Simon, [2021, February 27] “Anti-Asian Hate Crimes Rise Dramatically Amid Pandemic” <https://www.npr.org/2021/02/27/972056885/anti-asian-hate-crimes-rise-dramatically-amid-pandemic>.

24. Stephy Chung, [2021, February 17] “Influencers take to social media to stand against Asian hate crimes in the US” <https://edition.cnn.com/style/article/influencers-social-media-asian-hate-crimes/index.html>.



Image of an Asian-American protesting for equality. Credits: <https://www.highsnobiety.com/p/anti-asian-hate-crimes-spiking-us/>

Private migration detention centres

On the 11th of February, Congressman Rep. Grijalva introduced a draft bill on the end of privately owned federal prisons and detention centres.²⁵ While an executive order had already been signed by President Joe Biden and endorsed by UN human rights experts, they also urged the administration to end the expansion of private migrant and asylum seeker detention centres.

25. Ericka Conant, [2021, February 12] "Rep. Grijalva introduces bill to end privately-owned prisons and detention centers" <https://aldianews.com/articles/politics/rep-grijalva-introduces-bill-end-privately-owned-prisons-and-detention-centers>,



Image of an overcrowded immigration detention centre. Credits: <https://www.gq.com/story/private-profit-detention-centers>

Jelena Aparac, Chair-Rapporteur of the Working Group on the use of mercenaries for the UN Human Rights Council, argues that in not addressing the issue of private migrant detention centres, the detainees are forgotten.²⁶ They are often exposed to human rights violations, from cruel treatment to unsanitary conditions. To ensure better treatment and compliance with human rights, it is vital that these facilities are run by the public sector and do not become a profited activity.²⁷

For these reasons, the developments proposed by Grijalva in February would go further and address the issues more comprehensively. Moreover, at state level, California senator Maria Elena Durazo has proposed a bill in requiring private, for-profit prisons and migrant detention centres to meet specific insurance and safety requirements.²⁸

In 2020, the U.S. Department of Homeland Security released a report²⁹ revealing that private run facilities were unable to ensure social distancing and quarantine measures among detainees, which considerably increased the number of infected and vulnerable people. This report triggered the actions taken in the past month by senators, representatives and lawmakers.

Therefore, while action is currently taken at both the federal and state levels, it is vital that they are widespread and encompass both prisons and immigration facilities, where most human rights violations take place.

26. Office of the High Commissioner in Human Rights [2021 February 4], "US should end use of private, for-profit migrant detention centres, say experts" <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26718&LangID=E>

27. Ibid

28. Kim Bojórquez [2021 February 10], "Immigrant detention centers could face new California rules under Democrat's bill" <https://www.sacbee.com/news/politics-government/capitol-alert/article249124760.html>

29. Office of Inspector General [2020 June 18], "Early experiences with COVID-19 at ICE Detention Facilities" <https://www.oig.dhs.gov/sites/default/files/assets/2020-06/OIG-20-42-Jun20.pdf>

Concluding Remarks

In February, issues that have been longstanding in the American society were intensified. The wave of Anti-Asian hate follows a rhetoric used during the pandemic, in categorising people of Asian decent as the cause of the current public health crisis.

Privately-owned detention facilities has also been a topic of debate amongst politicians and human rights experts. Recently, policies implemented in the last administration, such as the Asylum Cooperative Agreements and Muslim bans, are being reversed. Nevertheless, as it was brought up by this report, there are still issues to be addressed.

Despite media coverage, abuse of rights in the United States are often underestimated and many cases do not gain repercussion in the international scene.

Recent measures indicate an improvement of how the federal government is dealing with human rights violations against minorities. However, since many of these issues are rooted in the social, political and economic relations of the American society, there is still a long way to go.

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