



USA Report

April 2021

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GLOBAL HUMAN RIGHTS DEFENCE – April 2021

Monthly report – United States of America

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Aim

This monthly report presents an overview of the human rights issues against minority and marginalised groups in the United States. It aims to raise awareness for these issues and violations of minority rights in the U.S. This report opens with a general introduction of the country, followed by significant human rights concerns faced by its minority and marginalised population. It also highlights some significant events that happened in April 2021.

United States of America

History

Before Columbus's arrival in America, the territory was inhabited by different indigenous populations, each of which developed its own social and economic organisation (Britannica, n.d.).

While the Spanish arrived first in the South of the United States, the English took control and established themselves in a conglomerate of colonies in the early 17th century, until the United States proclaimed itself an independent State in 1776 (Britannica, n.d.). Following their independence, the colonies formed a confederation of states with a centralised government, though the latter did not exercise much power (History.com Editors, 2009). Not long after, the first American constitution was written, and the State was set up with three branches of government.

The 19th century was marked by a period of detachment from European influence and the development of American industrial expansion. In addition, the Civil War, motivated by a South-North divide and their different perceptions on slavery, resulted in the abolishment of slavery in (History.com Editors, 2009).

Significant economic developments in the United States were observed in the 20th century when Europe was devastated by the World Wars. With the aim of selling the 'American dream', where people achieve prosperity and are given rights and freedoms through hard work and perseverance, the U.S. employed more energies on cultivating their global power, exporting goods, gathering intelligence, and emphasising the power of capitalism (Patterson, 1996).

Such focus on economic growth had a negative influence on the life and rights of minorities, giving rise to many civil rights demonstrations, protests, and waves of violence (Pruitt, 2021).

Society

The United States population is very diverse, as it was formed throughout the years and is influenced by different cultures and ethnicities. Today, most Americans identify as white and have British or Irish origins. American society is also heavily influenced by Hispanic and Black history and their cultures as these groups have immigrated on a large scale to the U.S. (Thompson; Hickey, 2005).



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. ¹

¹ Available on <https://www.census.gov/quickfacts/fact/table/US/PST045219>.

Human rights violations against minorities and marginalised groups in the USA

As highlighted in the Human Rights Watch Report of 2020 (Human Rights Watch, 2020), human rights violations in the United States have increased compared 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, laws and policies were invoked as discriminatory attempts to restrict migration, specifically of Muslims (Federal Register, 2017) and those arriving at the Southern border, who would often be forcefully returned to their home countries (Homeland Security, 2019). Aside from targeted measures against minorities, social practices contribute to the long-standing status quo racial and ethnic divides in a society filled with economic disparity, poverty, and inequality among Black, Latino, Native American, and other non-white backgrounds (Worland, 2020).

Race and ethnicity

In a country where over 13% of the population identifies as Black or African American, systemic racism is still prevalent in social and hierarchical interactions (Ghosh, 2020). Racial divide and discrimination are rooted in the early history of the United States, where colonialism came hand in hand with centuries of slavery (Craemer et al., 2020). The consequences of slavery materialised and manifested in social, economic, and political aspects.

In the 20th century, discrimination continued with segregation policies in the federal sphere, which have contributed to the pervasive systemic racism still observed today (Yesilce, 2015). Practices such as racial segregation in public education, public places, and events were standard in many states throughout the country, especially in the South. It was not until the 1960s where federal and State began to repeal segregation laws, slowly integrating Black people into American society. The Civil Rights Act of 1964 represented a step towards protecting citizens against discrimination based on race, religion, sex, or national origin, as well as towards dismantling segregated public accommodations (History.com Editors, 2021).

Although some aspects of American racism have changed and progressed in theory, in practice, the social, economic, and political gaps are still present through systemic oppression and racism – and the numbers show. For example, black and Native American students are more likely to be suspended at school from a young age, and Black students make more than a quarter of those who are referred to the police (NPR, 2014). The disparity continues in college: in 2019, 29% of African Americans held a bachelor's degree, in comparison to 45% of White Americans (PNPI, 2020). Along the same line, unemployment rates of the Black and African American

population continue to increase, enlarging the gap between Black and White unemployment – the same holds true for Asian and Latino unemployment rates as well (United States Department of Labour, n.d.).



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

Today, the most evident racial discrimination can be observed in the context of police violence and criminal legal system (OHCHR, 2021). This was unfortunately eventuated by the cases of George Floyd and Breonna Taylor, Black Americans whom police officers killed in early 2020 (Destagir, 2021). According to NAACP, a black person is five times more likely than a white person to be stopped by law enforcement personnel without a just reason. Moreover, 65% of Black adults, and roughly 35% of Latino and Asian adults, have felt targeted because of their race (NAACP, n.d.).

In light of these incidents, U.N. Human Rights experts have recently appealed to the Biden administration to adopt reforms to end police violence and tackle systemic racism (U.N. News, 2021).

Human rights violations in April 2021

Anti-protest laws and the clash with freedom of assembly

United Nations, human rights experts have recently raised awareness of state laws adopted by Florida and Oklahoma, which seem to be part of a larger effort to diminish public demonstrations (U.N. News, 2021). Since the rise of protests in mid-2020, following the killing of George Floyd, lawmakers in Republican states have been attempting to bar such demonstrations denouncing the conduct and behaviour of law enforcement authorities as well as deep-rooted discrimination against Black Americans.

The anti-protest laws² passed in these two states are believed to be part of a slightly older movement, which started in 2017 and which is now expanding (ACLU, 2017). This concerning trend began with Donald Trump's mandate, as his rhetoric impacted the public perception of protesters. At the time, some laws³ would explicitly claim that protesters would be paid to be in the streets, creating the myth of "paid protester". Trump's rhetoric intensified such an idea, often alluding to those public demonstrations as illegitimate (Yoder, 2017). Moreover, some bills explicitly targeted environmental activists who would express their discontent with national policies enacted by the former President and other Republican leaderships (Sadasivam, 2021).

The main complications of these new laws are the vague definitions of terms such as *riot*⁴ and *mob intimidation*,⁵ which allows more discretion to law enforcement officials to criminalise acts that are the core of the fundamental freedom of assembly, such as peaceful public demonstrations aimed at the expression, promotion, pursuit and defence of shared ideas.⁶

Aside from the threat of criminalisation of the right to assembly, the Florida law⁷ also gives legal protection to offenders – a defendant in a civil action will now be able to avoid liability by establishing that the person injured or killed was taking part in a riot – essentially condemning the conduct of those who are protesting.

² Laws available on: <https://www.flsenate.gov/Session/Bill/2021/1> ; <http://www.oklegislature.gov/BillInfo.aspx?Bill=HB1674&Session=2100>

³ Law available on: <https://www.azleg.gov/legtext/53leg/1R/bills/SB1142S.htm>

⁴ Defined as a violent disturbance of the peace.

⁵ Defined as person, assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will.

⁶ Available on: <https://www.loc.gov/law/help/peaceful-assembly/us.php>

⁷ Law available on: <https://www.flsenate.gov/Session/Bill/2021/1>

Special Rapporteur⁸ Clément Voule urges other American states to refrain from going down the same path (U.N. News, 2021).

It must be brought to attention that, should these laws indeed be part of a snowball effect arising from earlier efforts, it concerns that other American states will join the trend – as they did in the past. Bearing in mind the 2017 efforts, where lawmakers of 19 American states introduced measures conflicting with the freedom of assembly, it is worrying that the same could happen again (Yoder, 2017).

Systematic killings of African Americans are found to constitute crimes against humanity

On 27 April 2021, the International Commission of Inquiry on Systemic Racist Police Violence published a report on investigations into police violence against people of African descent in the United States.⁹ This report found that the systematic killing of African Americans by the police amounts to crimes against humanity.¹⁰ Being defined as such, they should be investigated and prosecuted under international law, as they are defined as a type of international crime to be dealt with by international courts. Formulated by various human rights, the report found the U.S. guilty of violating international human rights obligations through practices of racial targeting by law enforcement officers, of disproportionately using of force against Black people, and of operating a culture of impunity, where police officers are rarely held accountable and judged for their crimes.

The report was triggered by the death of George Floyd, but it was substantiated by other cases of police violence. Moreover, the findings were based on testimonies given by the relatives of victims of police shooting and on data. Since 2005, about 15,000 African Americans have been killed by law enforcement authorities. However, only 104 police officers were charged, and out of those, only 35 were convicted of a crime (Pilkington, 2021).

Hina Jilani, one of the 12 commissioners who led the investigation, concluded that systematic racism guiding law enforcement action begs the “urgent scrutiny of the International Criminal Court” and an immediate investigation should be opened in The Hague (Pilkington, 2021).

⁸ An independent expert working on behalf of the United Nations to examine, monitor and report human rights issues. These individuals work within the scope of a specific country or thematic mandate from the United Nations Human Rights Council.

⁹ Available on: <https://inquirycommission.org/website/wp-content/uploads/2021/04/Commission-Report-15-April.pdf>.

¹⁰ Crimes against humanity are certain acts committed as part of a widespread or systematic policy, directed against civilians – racial discrimination and human rights abuses can reach the threshold of crimes against humanity if they are systematically conducted.

Conclusion

The adoption of new laws in April poses a threat to the rights of individuals. The fundamental freedom of assembly, enshrined in Article 20(1) of the Universal Declaration of Human Rights,¹¹ is currently threatened by state laws that discriminate against specific public demonstrations. Following a year where protests marked the history of the United States, such laws are detrimental to civil rights advancements.

Despite media coverage, abuse of rights in the United States is often underestimated, and many cases do not gain repercussions in the international scene. The Report of the International Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the United States paints a very concerning picture of the United States. The killings of Black people in the country are found to constitute crimes against humanity that international courts should judge.

¹¹ Available on: United Nations Universal Declaration of Human Rights (UDHR) of 10 December 1948 (GA Resolution 217 A) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

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