

# Human Rights Watch condemns US prison system, immigration policy

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In its annual world report, Human Rights Watch condemns the United States on a broad range of civil liberties abuses. In particular, the human rights group slams the US prison system, immigration policy, and the treatment of suspects in the “war on terror.” HRW also points to the US’s dismal record on women’s rights and the treatment of child laborers.

The report follows the first-ever Universal Periodic Review of the US at the United Nations Human Rights Council in November 2010, part of a larger process where the council examines the human rights records of all 192 UN member countries. Human Rights Watch comments on the US human rights record: “Although the Obama administration has pledged to address many of these concerns, progress has been slow; in some areas it has been nonexistent.”

The US has the largest prison population in the world, both in numbers and as a percentage of population. As of June 2009, 2,297,400 people were incarcerated in the US, a rate of 748 inmates per 100,000 residents.

US prisons are also filled disproportionately with members of racial and ethnic minorities. Black males are incarcerated at a rate more than six times that of white non-Hispanic males and 2.6 times that of Hispanic males. In 2009, 1 in 10 black males aged 25-29 was in prison or jail, compared to 1 in 64 white males and 1 in 25 Hispanic males.

The disproportionate imprisonment of blacks is particularly glaring in relation to sentencing for drug offenses. While African Americans constitute only about 13 percent of the US population, they constitute 33.6 percent of drug arrests, 44 percent of state convictions on drug felonies, and 37 percent of people sent to state prison on drug charges. HRW notes that blacks and whites engage in drug offenses at equivalent rates.

In relation to capital punishment, the death penalty remains on the books in 35 of the 50 US states. In 2010, 46 people were sent to their deaths, following 52 executions in 2009. On death rows across the country, 3,261 condemned inmates continue to languish. More than half of these

prisoners are held in prisons in four states: California (697), Florida (398), Texas (337), and Pennsylvania (222).

The US holds the dubious distinction of being the only known country where individuals are serving life sentences without parole for convictions of crimes carried out when they were under the age of 18. There are 2,574 such youth offenders condemned to spend the rest of their lives in prison. Although the US Supreme Court ruled in June 2010, in *Graham v. Florida*, that life without parole cannot be imposed on young defendants convicted of non-homicide offenses, this will have no effect on the majority of these young people who are convicted of murder.

Those held in US prisons and jails continue to be subjected to sexual abuse at an alarming rate. Between October 2008 and December 2009, 88,500 prisoners experienced some form of sexual victimization, according to the Bureau of Justice Statistics. According to a survey mandated by the Prison Rape Elimination Act of 2003, some 12 percent of youth held in juvenile facilities reported that they had been victims of sexual abuse.

HRW reports certain “advances” in the treatment of women in US prisons. One of these is the growth in the number of states restricting the shackling of pregnant prisoners—from six to ten. This means that 40 states still allow the barbaric practice. The report notes another disturbing development in Colorado, one of the states that has stopped shackling pregnant inmates: in Colorado, “women inmates were subjected to degrading, routine, suspicionless searches requiring them to open their labia for inspection by guards.”

While a large number of prisoners in the US have histories of substance abuse and addiction, drug dependence treatment is rarely available to them. And despite the significantly higher prevalence of HIV and hepatitis among the prison population, according to the report, “proven harm-reduction programs, such as condom availability and syringe exchange, remain rare.”

The deplorable state of the US prison system was highlighted last July when the European Court of Human

Rights temporarily halted the extradition of four terrorism suspects from Britain to the US out of concern that their long-term incarceration in a US “supermax” prison would violate provisions of the European Convention on Human Rights, which prohibits “torture or ... inhuman or degrading treatment or punishment.”

Regarding the treatment of immigrants, Human Rights Watch reports that there are some 38 million non-citizens currently living in the US, and about 12 million are undocumented. US Immigration and Customs Enforcement (ICE) detained 380,000 to 442,000 immigrants in some 300 detention facilities in 2009.

Since ICE was created in 2003, HRW notes, “a series of alleged sexual assaults, abuses, and episodes of harassment” by agents at the agency have come to public attention. It came to light in May 2010 that ICE was investigating allegations that a guard at a Texas immigration detention center sexually assaulted several female immigrant detainees.

In a report last July, HRW reported that immigrants with mental disabilities facing immigration proceedings were often denied legal safeguards, and that numerous cases of prolonged detention had occurred. None of the proposals made by ICE in 2010 to address the abuse of immigrant detainees has been implemented.

ICE wields “sweeping deportation powers,” the report notes. Last June, ICE Assistant Secretary John Morton indicated that the agency should prioritize the deportation of what he referred to as “dangerous non-citizen criminals.” But in the day-to-day operations of ICE, four-fifths of deportations under ICE’s “Secure Communities” program were nonviolent, low-level offenders.

Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, enacted under the Clinton administration, judges in many cases are given no leeway to allow immigrants convicted of minor offenses to remain in the US, even if they are in the country legally, are the spouse or parent of a US citizen, or have served in the US military.

In another vindictive practice carried out by US immigration authorities, immigrant detainees are subjected to extensive, arbitrary transfers. The report states that between 1999 and 2008, more than 1.4 million transfers took place, disrupting detainees’ right to access legal counsel, witnesses, and evidence in their cases.

The plight of the nation’s youngest residents is equally appalling. Hundreds of thousands of children laboring on US farms face long hours and horrendous working conditions. The Fair Labor Standards Act of 1938 exempts child farm workers from minimum age and maximum hour requirements. These child laborers, the majority of them Latino, often work 10 hours a day or more and are at risk of

pesticide poisoning, heat illness and injuries. They are far more likely than other children not to attend school, or to drop out, and young girls can face sexual harassment.

The US is one of only seven nations that have not joined the global women’s rights treaty—the Convention on the Elimination of All Forms of Discrimination against Women. The US is also one of only a few countries where women have no guarantee of paid maternity leave; pregnancy discrimination claims have increased sharply in the recent period.

In relation to US interrogation of so-called terror suspects, Human Rights Watch notes that despite overwhelming evidence that the Bush administration approved illegal methods involving torture against detainees, the Obama administration has not prosecuted any high-level officials or established a commission of inquiry.

Despite campaign promises to close Guantánamo Bay, the prison camp remains open and operational. Last week it was reported by the *New York Times* that the Obama administration is preparing to bring a number of “high-value detainees” before military tribunals at Guantánamo, while formally subjecting others to indefinite and arbitrary detention without trial.

Obama continues the Bush policy of invoking “state secrets” privilege in an effort to cut off redress for victims of torture and other abuses at the hands of US operatives. The administration also continues to transfer detainees to countries where they face likely torture, relying on assurances from governments that they will be treated humanely.

Human Rights Watch cites the case of a detainee transferred from Guantánamo to his native Algeria, where he faces likely torture at the hands of authorities who have pledged that he will not face mistreatment.



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