

Analysis In Human Rights: Critique Of United States Of America Official Human Rights Reporting

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I. INTRODUCTION

Clashes, accusations, and a plethora of denials has characterized heated discussions across all borders that pertain to human rights on a global scale. The world authority in governing international politics has evolved to be defined by the organization of the United Nations, more specifically under the auspices of a specialized function in charge of human rights concerns, the Office of the High Commissioner for Human Rights (OHCHR). As such, the Human Rights division of the United Nations (UN) has established the *Office of the High Commissioner* to create the “Universal Periodic Review,” a unique series of a report process involving a “review of the human rights records of all UN member states” (“Universal Periodic Review”). One key reason for establishing this fact at the outset of this present article is because the analysis herein, as a critique of a country’s official human rights reporting, requires a basic cogent framework in which to discuss its contents.

Academicians, theorists, political activists, national-state council, and policy analysts understand the world affairs is increasingly being governed by UN authorities. Therefore, the idea is to take an official submission by a national government to the United Nations to comply with its reporting responsibilities, and then to critique the officially written report. Obviously, other supportive documentation shall be included to assist the analysis – whether by other governmental documents, international organizations, news media, or civil society organizations – yet the following is critical for the erudite reader to keep in mind. Although the main task of this paper is to focus on a *particular issue* addressed in this report, it is paramount to mention other issues correlated to human rights violations in order to develop a fuller picture of the situation at hand.

II. DISCUSSION

First of all to be evenly balanced, it is important to point out the many perceived successes the United States has opened doors for, with regard to human rights issues. For example, in an ACLU news commentary indicated that the United States has generally done well in “some areas,” such as “LGBT rights and freedom of speech,” and myriad areas like “national security, criminal justice, social and immigration policy” (Dakwar, “UN Issues Scathing Assessment”). Yet, the Lesbian/Gay/Bisexual/Transgender ‘rights’ movement has also been

unpopularly characterized by some observations rather as a socio-political agenda, rather than a battle for human dignity.

One would daresay homosexual American citizens have never been denied the right to vote, or legally relegated to separate – but ‘equal’ – housing or education stipulations. Thus, common knowledge dictates one viewpoint that homosexual ‘rights’ do not correspond to *civil* human rights. The dissenting opinion on national legalization of same-sex marriage in the United States, by Chief Justice Roberts, held that “no court should ever care about this issue” because it is not a civil matter for the state to decide in the first place (Ford and Legum, “19 Hysterical Passages”). Oddly enough, another Supreme Court Judge dissenter against the federal decision on same-sex-marriage legalization, Antonin Scalia (vehemently opposed to the immorality of homosexual practices) recently and suspiciously died. Of course, deeming the dissenting views as “hysterical” in the *ThinkProgress* article identifies the political stance of the source. Nevertheless, the point of this precursor to the meat of the conversation is that confusion, lies, and ubiquitous interpretations run rampant. Therefore, the issue this critique chooses to analyze is the particular policy issue of institutionalized racism as perpetrated by United States’ policies and practices, whether from de jure or de facto perspectives.

While it is true that United States’ practices, especially clandestine ones regarding torture of international prisoners-of-war have been questioned, recently the discussion of human rights violations have centered on what has been occurring in its own backyard. This references the numerous cases of unarmed black persons being murdered in the streets, gunned down by police officers, as well as a historical precedence of disproportionate scores of incarceration of people of color in the United States. A strong historical set of analysis is required to properly evaluate the situation. International affairs and the illegality of unethical wartime torture of individuals, officially or unofficially, certainly demonstrates insalubriously inhumane practices. Yet gross neglect of inequality against the originating progenitors of enslaved blacks in colonial times who essentially built the nation, and other non-white persons, persists. Much of the human rights violations of a domestic race-based nature, although blatantly visible to the international community, has gone unchallenged. Thus, bypassing issue discourses associated with homosexual concerns, torture, or immigration human rights issues – whether Mexicans illegally crossing U.S. borders, or Muslims entering the country – the focus looks at this issue. Thus, the critique attempts to intelligently evaluate the official report to the UN Assembly’s Human Rights Council Ninth Session, in Geneva, from the United States of America submitted in English.

Filing UPR reports are strictly voluntary. The unique mechanism for examination of such policy/human-rights issues hold a goal of “assessing States’ human rights records and addressing human rights violations wherever they occur” (“Universal Periodic Review”). The report, from an overarching vista, mentioned six key areas from freedom and equality standpoints, and the societal sectors of health, education, and housing. The listed areas from Parts III and IV respectively, include:

- Freedom of expression, religion, association, and political participation
- Fairness/equality
- Dignity
- Education
- Health, and Housing (“National Report Submitted Paragraph 15 Annex to Human Rights”).

In its own words, the document stated its purpose as providing “a partial snapshot of the current human rights situation in the United States, including some areas where problems persist in our society,” as not intending to be a “diagnosis, but rather as a roadmap for our ongoing work” to achieve “lasting change” (“National Report Submitted Paragraph 15 Annex to Human Rights” 4). The report told the UN Human Rights Council that the United States Government’s federal powers has a commitment to keep fighting against discrimination as outlined in a *U.S. Department of Justice* 2003-document targeted against “racial profiling” by American law enforcement agencies’ practices, having stated that “The use of race as a basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer invidious discrimination and to the Nation” (“United States Department of Justice” 1). The UPR report is extremely important for both what is explicitly stated, and implicitly implied.

While it is true that the UPR report fails to highlight a specified breakdown of this situation of human rights violations against black and brown people, such as American blacks and Latino citizens, its language dances around the caveats. The United States document delivered to UN authorities did acknowledge a reference to the Department of Justice document (Guidance Regarding), and that ethnic racially-based profiling had been wrongly used by law enforcement to identify criminal behavior. Naturally, Muslims as a result of the aftermath of the September 11th, 2001 terrorist attacks had also been swept up in this type of profiling. The civil society organization of the ACLU stated “Racial profiling is a longstanding and deeply troubling national problem despite claims that the United States has entered a” status of a color-blind society (“Racial Profiling”). The article continues to cite the problem as a kind of human rights violation which humiliates and terrifies its individual victims, frames frightening detentions, and is a “patently” illegal violation of the U.S. Constitution in terms of ignoring “promises of equal protection under the law to all” (“Racial Profiling”). The article continued to inform

about how this type of human rights violation emerged from centuries of slavery, and post-antebellum years in United States history during which times racial segregation was legalized, and have since affected many communities of color across America as systematically being profiled from anywhere from pedestrian stops to traffic interceptions. Thus, Arab, Muslim, and traditionally African-American communities have collectively been targeted. Creating an atmosphere of public distrust, fear, and trepidation – especially in the after-effects of the Eric Garner case of police brutality of 2014 – stimulated numerous responses from UN member nation representatives in an interactive dialogue.

The UPR process itself is actually quite fascinating. Particularly interesting is the open-forum and international framework of the discussion. If you really think about it, this style encourages participation for all UN country-members to voices suggestions, opinions, and criticisms of the problems other nations are having with regards to human rights issues. Many believe that world politics has progressed towards a viable commitment to a willingness to serve people everywhere, and mitigate the destructive and debilitating injustices that racial prejudice causes in prevention of socio-economic advancement of global society. In the 2010 UPR report, the United States' perspective reminded its audience on page three that ideas formed about "the American Experiment can be found all over the world, and the people who have built it over the centuries have come from every continent," with a mindset that the notion of "a commitment to human rights, are clearly engrained" in the national conscience ("National Report Submitted Paragraph 15 Annex to Human Rights"). Despite the factors that Eleanor Roosevelt and Dr. Martin Luther King, Junior are mentioned in the document, professional political decision-makers, policy analysts, and academicians understand that theory does not necessarily equate to practice.

However, the 2010 UPR report proceeded to outline various instances of leadership promulgated efforts to reduce racial inequalities of insidious unfairness, interestingly as far back as 1947 when W.E.B. DuBois made a similar case for human rights violations. Keeping in mind this occurred nearly seventy years ago, gives pause to why seemingly the issue had been swept under the rug from international attention in terms of official United Nations reporting, and policy analysis on the situation. Nonetheless, the 1947-acknowledgement of sociologist, professor, and activist-intellectual DuBois' presentation before a UN Council reflected a testimony on "pervasive discrimination against African Americans in the United States," and the decades-long ensuing of "the U.S. civil rights movement" which emerged as a "quintessential example of citizens using principles of non-violence, law, protest, and public debate to hold their government accountable," and to make demands designed to persuade the deliverance of equal rights and fair treatment ("National Report Submitted Paragraph 15 Annex to Human Rights"). In the same paragraph 'progress' was cited in the march towards racial injustice, to banish slavery's legacy, was proclaimed. However, others would disagree. Some might even designate that a regression has been installed, rather than any improvements.

If the 2010 UPR document from the United States seeks to convince United Nations General Assembly, or its Human Rights Council, impressively so in many ways. One key criticism of the framing of this report to the UN by the United States must highlight the following featured detail. Under Section B, entitled '*Fairness and Equality*' it is mentioned that an African-American President would not have previously been possible in preceding decades, as a demonstration of the possibilities – but a disturbing factor of the report remains. Numerically listed, under the same aforementioned Section B of the 2010 UPR report were references to (in the order from number one), those with disabilities, lesbians/bisexuals and transgendered, Muslims/Arabs and South-Asians, followed by women and Native Americans. Despite the would-be compelling rhetoric of how these various sectors of the American populace have sustained varying degrees of human rights violations, none seem to justifiably compare to what the nation's African-Americans (meaning, its member-progenitors who have descended from enslaved blacks) have endured. Momentarily side-stepping the issue of purely race-based discrimination and human rights violations on the basis of law enforcement profiling and brutalization, there remains the economic issue.

Economically, the United Nations General Assembly functions to foster worldwide economic balance, competence, and peace-keeping enforcement of political practices among nations. With this in mind, the free-labor system of slavery over the hundreds of years which built the U.S. economy as the most powerful on earth today, has left the losers in the equation feeling bereft of justice and hope. In other words, given the historical reality of past policies by the United States government which denied immigration of blacks into the nation early on, relegated Jim Crow laws of racial segregation, and barred opportunity access to the *original* group who suffered discrimination, the so-called 'American Dream' was a nightmare for some. Deprived of justice, because the fruits of the laborers and their progeny have never been compensated by what many African-Americans feel reparations should accomplish. Deprived of hope, because collective economic successes of African-Americans in the 'Black Wall Street' situation – for example – were met with illegal burnings-down of their enterprises.

The good news is that the United States admitted in the 2010 UPR document that measurable discriminatory practices had prevailed. Citing an unemployment rate of "15.8 %" among blacks, 12.4% for hispanics, as comparable to an 8.8% figure for their white counterparts the report further stated its dissatisfaction with a low percentage of black/brown home ownership. Recognition of real disparities is a first step towards solutions. Coupled with a seemingly veiled conspiracy of silence of discriminatory injustices across the board

primarily aimed at black people— in education, housing, employment, and disproportionate incarceration of black/brown – many in this sector of the American citizenry are fed up, heartbroken, and discouraged. For further research, see Dr. Claude Anderson’s critical analysis on how the Civil Rights movement in the 1960s mistakenly focused on *social* integration-inclusion, rather than the *real* issue of economics.

One thing inevitably leads to another. Scores of examples point to admirable and deplorable qualities of how United States policy has affected its citizens. Submission to the relevant UN bodies to analyze U.S. official human rights must, to a degree, try to remain politically correct and simultaneously forthright. The *US Human Rights Network* believed the 2011 UPR report from the United States so important, that it reprinted its contents in full. This Human Rights Council, sixteen session of this UN matter of the United States track record revealed interesting statements from 56 of its delegates. Iran expressed concerns of the U.S.’s domestic and international human rights violations (“2011 Report of the Working Group”). Indonesia’s contribution encouraged the United States to exhibit tolerance, and the Russian Federation worried about human rights violations committed in the name of ‘terrorism.’ However, the 2011 report wrote that “The United States delegation noted that” its criminal justice system is” supposedly “based on the protection of individual rights” (“2011 Report of the Working Group” 10). Yet, the document also stated the United States’ clear historical record of law enforcement bias, and lack of human rights enforcements, which “improperly target[s]” individuals of a certain ethnicity. Essentially, the complaint of the delegates was that the United States has yet to *deal with* the nearly impossible historical effects and impact on vulnerable populations. Switzerland had a key concern for American youth involved being condemned to life sentences for crimes other than homicide. The United States, in response, jumped to its defense that the prison-system environment, according to the same immediately aforementioned source, was “safe, humane, and appropriately secure.” However, all was not doom and gloom. Japan praised the U.S. for even making an *effort* to tackle human-rights issues, but was expressly dismayed by law enforcement officials use of excessive force solely against African-Americans. Conversely, the U.S. welcomed over five million newly permanent residents.

The beauty of the international forum the UN has provided is that it allows a civil, open forum for a dialogue between nation-states. Official policy reporting on human rights may not always be perfectly represented, but at least people are talking. This fact gives some hope for the healing of the nations. At the close of this particular session, the United States’ engagement appeared to represent a willingness to erode barriers of race/gender, disability, and ethnic discriminatory practices. There are, as normally expected, five steps forward and three steps back. Not all American officials agree, as outlined in the article published by the *Federation of American Scientists (FAS)* with UN assessments of racially motivated discrimination practices as de facto indicators of unfair jurisprudence actions, for example, in the case of death sentence penalties (“The United Nations Human Rights Council” 3). Jesse Helms, staunch conservative American politician from the deep-South famous for racially charged language, referred to pursuit to remedy the situation as “an absurd U.N. charade” according to the same source. He passed away in 2008.

Finally, a brief word on media portrayals of the United States human rights record and current status must be considered. Given the factor that we live in an instantly opinionated world of social media, and digital global communications, news frequently represents broad ends of a spectrum. Furthermore, more balanced representations of social media – and internationally engaged – news sources have ushered fresh perspectives on a variety of human rights related issues. It has been argued that President Barack Obama’s presidential election greatly depended upon social media influence, as well as vast financial resources. In a similar way, social media has admirably leveraged widespread support from young millennials for 74-year-old presidential hopeful Senator Bernie Sanders. Furthermore, Sanders glowing outlook that American citizens should be deemed entitled to free higher university education, at the behest of Wall Street’s purse strings is currently *very* popular.

III. CONCLUSION

At the end of the day, any critique of a country’s official human rights reporting must be taken with a keen view to a reasonably accurate measure of historical events and protocol. The United States has a very complex interplay of social, economic, political, and legal constraints surrounding its current position in terms of a human rights discussion. The reason why history is important to contend with, and understand, is that present-day outcomes are undoubtedly linked to American society’s present socioeconomic and political status. It is generally accepted that *all* United States’ citizens are less able to educationally compete in an international arena of competition. This process (or reality) is referred to as the dumbing down of Americans. If most Americans lack an informed historical assessment of their own nation, it is unlikely that as a whole they will be able to amply participate in any international conversation on human rights, or any other issue.

Program integrity of human rights reporting lays in the ongoing ability to proactively engage in communication with all parties. The United Nations has introduced such a mechanism. The process is not perfect. For example, as of late the adverse effects of gentrification in the United States has been devastating for black and

poor people. Thus, hopefully a dialogue will continue to hammer out appropriate evaluation design strategies to meet future needs.

REFERENCES

- [1]. "Continuing the Work of Freedom Summer." Jackson Advocate 26 June 2014: 8A+. Newspaper Source Plus. Web. 12 Apr. 2016.
- [2]. Dakwar, Jamil. "UN Issues Scathing Assessment of US Human Rights Record." ACLU – American Civil Liberties Union news blog 'Speak Freely' column. ACLA Mag., 15 May, 2015. Web. 12 April 2016.
- [3]. Ford, Zac and Judd Legum. "19 Hysterical Passages from Supreme Court Same-Sex Marriage Dissenters." ThinkProgress.org Think Progress Center for American Progress Action Fund, Mag., 26 June, 2015. Web. 12 April 2016.
- [4]. "National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1." Ohchr.org OCHR Office of the High Commissioner for Human Rights, 2010. Web. 12 April 2016.
- [5]. "Racial Profiling." Aclu.org American Civil Liberties Union – ACLU, 2016. Web. 12 April 2016.
- [6]. "The United Nations Human Rights Council: Issues for Congress." Fas.org Federation of American Scientists database, 30 April 2013. Web. 12 April 2016.
- [7]. "Universal Periodic Review." Ohchr.org OCHR, 2016. Web. 12 April 2016.
- [8]. United States. Department of Justice. Civil Rights Division. Guidance Regarding the Use of Race by Federal Law Enforcement Agencies. N.P.: N.P., n.d. U.S. Department of Justice. Web. 12 Apr. 2016. [*{Link included below}. <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/guidance_on_race.pdf>.](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/guidance_on_race.pdf)
- [9]. "2011 Report of the Working Group on the Universal Periodic Review – United States of America." Ushnetwork.org US Human Rights Network – Building a People-Centered Movement, 2016. Web. 12 April 2016.