



UNIVERSITY OF MIAMI HUMAN RIGHTS CLINIC HOSTS LUNCHTIME FORUM, PRESENTS REPORTS ON HUMAN RIGHTS IN THE U.S.

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September 23, 2013 marked the [ICCPR National Day of Action](#)—a day where advocates and activists nationwide emphasized the importance of the human rights outlined in the [International Covenant on Civil and Political Rights \(ICCPR\)](#) and the importance of the U.S. government protecting these fundamental human rights. To mark the occasion, the University of Miami School of Law Human Rights Clinic and the ACLU of Florida convened a lunchtime discussion entitled [Human Rights at Home: A Forum on the International Covenant on Civil and Political Rights \(ICCPR\) and the United States](#). The speakers – which included Human Rights Clinic students and professors, as well as lawyers and activists from the ACLU of Florida, Florida Legal Services, and Dream Defenders – presented reports on a variety of subjects, including domestic violence, “stand your ground” laws; U.S. deportations to Haiti; youth incarcerated in adult facilities; and felon disenfranchisement.

The United Nations Human Rights Committee (UNHRC), the monitoring body for the ICCPR, was scheduled to review these reports as part of its [review of the United States’ compliance with its treaty obligations under the ICCPR in Geneva in October 2013](#). However, due to the federal government shutdown, this review has now been postponed to March 2014.

In advance of the ICCPR review, students from the University of Miami Human Rights and Immigration Clinics, alongside NGO and clinic partners nationwide, prepared “shadow reports,” covering topics ranging from [juvenile justice](#), [immigrants’ rights](#), and [domestic violence and gun violence](#), to provide the UNHRC with information about rights violations in the United States. Shadow reports are a means by which civil society supplements or presents alternative information to the periodic government reports that United Nations treaties require of State parties. These reports’ purpose is to ensure that the UNHRC questions the United States about

these issues and that the government responds to these concerns.



At the ICCPR Forum, Nancy Abudu, Legal Director of the ACLU-FL; Meena Jagannath, Attorney at Florida Legal Services; and JoNel Edwards from Dream Defenders presented their organizations’ shadow reports on felon disenfranchisement and stand your ground laws. Human Rights Clinic students James Slater, Charlotte Cassel, and Katie Clemente presented their reports on

Charlotte Cassel, a student in the Miami Law Human Rights Clinic,
presenting on domestic violence

[juvenile justice](#), [immigrants' rights](#), and [domestic violence and gun violence](#) and talked about their experiences in preparing them. Charlotte Cassel described her experience as “a fast-paced immersion into the world of human rights advocacy.” Her Clinic teammate on “Team Gender Justice,” Maxim Tsoy, said working on the shadow report was “a very valuable and rewarding experience that gave me insight into the world of human rights advocacy, which I learned requires tremendous amount of patience, dedication, and perseverance.”

James Slater, who worked on “Team Haiti’s” shadow report on U.S. deportations to Haiti, described as “unfathomable” the fact that a law school clinic could work on the same level with large, well-known NGOs.

The [shadow report](#) urging the United States to halt deportations to Haiti arose from a [collaboration between the Human Rights Clinic and the Immigration Clinic](#) (“Team Haiti”), along with NGO partners. Haiti has experienced a humanitarian crisis and a continuing cholera outbreak since the catastrophic earthquake in 2010. The shadow report highlights the conditions and hardships that deportees face, including separation from their families in the United States and violence, discrimination and social stigmatization in Haiti. Haiti’s jails and detention center, where Haitians and deportees are held upon deportation from the United States, are breeding grounds for cholera and other diseases. Once in Haiti, the report explained, detainees are unable to access medicine, medical care and employment. Sexual and gender-based violence is a growing problem, especially for deportees forced to live in tent camps or impoverished neighborhoods. With little or no family support in Haiti, cultural and language barriers make it difficult for deportees to integrate into Haitian society. The report emphasizes that U.S. Immigration and Customs Enforcement’s practices must comply with its human rights standards that require a balancing test to be considered before deporting people to Haiti.



James Slater, a student in the Miami Law Human Rights Clinic, presenting on his team’s project on deportations to Haiti

The [shadow report on Domestic Violence, Gun Violence, and “Stand Your Ground” laws](#) arose from a collaboration between the Human Rights Clinic’s “Team Gender Justice” and The Advocates for Human Rights, Legal Momentum, and Women Enabled Inc. The report discussed the cases of [Jessica Lenahan](#) and [Marissa Alexander](#) as illustrations of systemic gender and race-based discrimination. Alexander, an African-American resident of Florida, fired a warning shot in the air over her abusive husband and was not allowed to use the “stand your ground” defense. [She was sentenced to twenty years](#) in jail despite not hurting anyone. Jessica Lenahan’s three children were killed in 1999 after their abusive father kidnapped them in Castle Rock, Colorado and the police failed to respond to her calls for help. In 2011, the Inter-American Commission on Human Rights, based in Washington, D.C., issued a scathing [report](#) finding the U.S. responsible for human rights violations against Ms. Lenahan and her children. The shadow report urges the United States improve its response to violence against women and to re-evaluate “stand your ground” laws to ensure that their application does not perpetuate racial discrimination or re-victimize survivors of domestic violence.



Students from “Team Juvenile Justice,” another project group in the Human Rights Clinic, also contributed to a [shadow report](#) that was prepared by the ACLU-Michigan and CUNY Law School’s International Women’s Human Rights Clinic on conditions of juveniles incarcerated in adult jails and prisons. Juveniles held in adult facilities suffer both physical and verbal abuse, and are more than five times as likely as the rest of the prison population to face sexual abuse. The U.S. government has responded to this problem by requiring oversight and seeking separation from adult prisoners. However, this mandate is only for federal prisons, and juveniles held at the state level are not guaranteed the same protection.

“Working on the shadow report gave me a broad perspective on the inadequate protections afforded to juveniles nationwide,” said Kelsey Hayden, a student on “Team Juvenile Justice.” The report highlighted many of the issues at the state level that youth face, including adult criminal sentencing, routine placement in adult prison settings, and subjection to various abuses by inmates and guards. The team urged the United States to implement measures to help thousands of youth in state facilities.

For more information on the Human Rights Clinic and to read the students’ shadow report submissions to the United Nations Human Rights Committee, visit: www.law.miami.edu/human-rights-clinic.

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