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President George W. Bush
The White House
Office of the President
1600 Pennsylvania Ave.
Washington DC 20500
USA

20 January 2001

Dear Mr President

On the occasion of your inauguration as President of the United States of America, I wish to take this opportunity to urge you to put human rights at the forefront of your administration's agenda.

The USA played an important role in the drafting of the Universal Declaration of Human Rights (the Universal Declaration) which, with the international treaties and instruments that the Universal Declaration gave birth to, sets out a framework for international human rights protection whose aim is to ensure that every man, woman and child shall enjoy the most basic human rights and dignities. The USA has ratified several important human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture), and the Convention on the Elimination of All forms of Racial Discrimination. It shares a responsibility with other nations to ensure that the fundamental rights enshrined in these treaties, among them the right to life and to freedom from torture or discrimination, are universally protected.

However, serious human rights violations persist within the USA. One of our concerns has been the USA's failure to adhere to its treaty obligations and uphold international standards in a number of areas, particularly in relation to the criminal justice system. Amnesty International's human rights concerns in the USA have been documented in numerous public reports. They include issues relating to police brutality; racism; torture and ill-treatment in jails and prisons; the misuse of electro-shock weapons and other restraints by police and corrections officials; cruel conditions in segregation units; ill-treatment of detained children and asylum seekers; and the death penalty. Many of these issues are also of grave concern to human rights groups and communities within the United States.

The federal government has taken steps to address some issues of national concern in recent years, including police brutality and race. It has used its authority under federal legislation to investigate patterns of civil rights violations within some police agencies and to remedy serious abuses in a number of local institutions, including juvenile

detention facilities. These are welcome measures, consistent with the government's obligations under US constitutional and international law, which we hope will continue under your administration.

However, we are concerned that the US Government continues to be a reluctant partner in the international community's efforts to build a system of universal human rights protection and that it has failed to uphold its treaty obligations in significant areas where US law or practice itself falls short of international standards. The USA has entered a number of Reservations, declarations or understandings to its ratification of human rights treaties, the effect of which is to limit their application so that they offer no greater protection than already exists under US law. The USA has reserved its right to execute child offenders, for example, despite this being prohibited under Article 6 of the ICCPR and customary international law. It has entered reservations to article 7 of the ICCPR and article 16 of the Convention against Torture, stating that the USA considers itself bound by the prohibition under these articles of Cruel, inhuman or degrading treatment only to the extent that such treatment means the Cruel and unusual punishment outlawed under the USA's own constitution.

The USA's reservations to the above articles have been consistently criticized by treaty monitoring bodies as being incompatible with the object and purpose of the treaties. In May 2000, the Committee against Torture, reporting on the USA's initial report on compliance with the Convention against Torture, urged the USA to withdraw its reservation to Article 16. It also found that a number of practices authorized in the USA, including the use of electro-shock stun belts to control prisoners, led to breaches of the Convention.

There are other important human rights treaties which the USA has yet to ratify, including the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; and the American Convention on Human Rights. One hundred and ninety-one countries have ratified the Convention on the Rights of the Child. Only Somalia and the USA have not. We urge you to make ratification of these international treaties a priority for your administration.

The USA has also not yet ratified the Statute of the International Criminal Court. We hope that following President Clinton's signing of the Statute on 31 December 2000, your presidency will undertake a careful review, in consultation with the USA's allies and with civil society in your own country, of the merits of this important step forwards for international justice. We feel confident that the results of such a broad

consultation will demonstrate that it is in the USA's best interests to ratify the Statute unchanged.

On 10 December 1998, President Clinton issued an Executive Order on the implementation of Human Rights Treaties, in which he affirmed the US Government's commitment fully to respect and implement its obligations under international human rights treaties to which it is a party. The Order established an Interagency Working Group (IWG) to review the implementation of treaties and ensure that legislation proposed by the Administration and under consideration by Congress was reviewed for conformity with international human rights obligations. The IWG was also charged with looking at ways of monitoring the laws and actions of the US states and territories.

We hope that, under your administration, renewed attention will be given by such an agency to working for full implementation of international human rights standards by all jurisdictions within US territory.

Amnesty International looks forward to a more detailed discussion with your Administration during the coming months regarding the issues referred to above and other areas of concern.

Yours sincerely

Pierre SanJ
Secretary General