

Stop Mass Incarceration in the USA

Recognizing that all human rights derive from the inherent dignity of the human being, international human rights law requires that the essential aim of all penal systems must be to allow, encourage, and facilitate rehabilitation. Yet, since 1980, the U.S. prison population has quadrupled, an increase largely driven by heavier penalties for non-violent offenses. At the same time, as prison building costs escalate, many states have cut funding for rehabilitation, education and other programs.

The United States accounts for only 5% of the world's population, but is responsible for nearly 22% of the world's prison population. More than 2 million people are incarcerated in U.S. prisons as well as local and county jails. 1 in 3 men of African descent (Black men) in the United States will go to prison or jail if current trends continue. Averages of 5 million people are under state or federal supervision in the form of probation or parole.

The U.N. Human Rights Committee, which monitors states' compliance with their obligations under the International Covenant on Civil and Political Rights, has expressed ongoing concern about racial disparities at different stages in the U.S. criminal justice system, including sentencing disparities and the overrepresentation of individuals belonging to racial and ethnic minorities in prisons and jails. These issues point to the failure of the United States' to respect, protect and fulfill its obligations in regard to the rights to be free from discrimination, to liberty and security of the person, to be equal before the law and to equal protection of the law. To that end, the Committee has called for reform of mandatory minimum statutes and for retroactive application of the Fair Sentencing Act.

The School-to-Prison Pipeline

Under international law, children's human rights are underpinned by the fundamental principle that all decisions relating to children should be guided by the best interests. Yet current school educational and disciplinary policies in the U.S. are dovetailing to create an environment that funnels youth into the criminal justice system at an unprecedented rate. Zero-tolerance discipline policies have resulted in skyrocketing rates of suspensions, expulsions and school-based arrests. These policies disproportionately affect children of color and those living in poverty or with a disability, gravely undermining all children's rights to education, to be free from discrimination, and to the highest standard of health and well-being.

Discrimination in school discipline contributes to disparities in incarceration rates, with African Americans comprising only 12% of the US population but 44% of its incarcerated. The U.N. Committee on the Elimination of Racial Discrimination has expressed concern about the “school-to-prison pipeline” and called on the United States to intensify its efforts to address racial disparities in the application of disciplinary measures.

Amnesty International calls on the U.S. Government to investigate and work to end racial, ethnic, and disability disparities in school discipline and to promote and invest in positives model of improving school safety, attendance, and environment.

Incarceration Triggers a Cascade of Imperiled Rights

Incarceration triggers a cascade of imperiled rights not only for former prisoners, who face disenfranchisement, denial of housing, the inability to find work and food insecurity, but also for their dependents. The U.N. Committee on the Elimination of Racial Discrimination (<http://www2.ohchr.org/english/bodies/cerd/>) has expressed concern about the impact of parental incarceration on children from racial and ethnic minorities and urged the U.S. to ensure that the impact of incarceration on children and/or other dependents is taken into account when sentencing an individual convicted of a nonviolent offence and promoting the use of alternatives imprisonment.

Amnesty International (<http://www.amnestyusa.org>) urges President Obama and Congress to work together to pass legislation that would authorize a comprehensive review of the U.S. criminal justice system and implement substantial reforms that would address all aspects of mass incarceration, including mandatory minimum sentences, discriminatory profiling by law enforcement, the experience of juveniles who come into contact with the law, prison conditions, and the racial and economic disparities that exist at every stage of the criminal justice system. President Obama must lead efforts to address a destructive system of criminal penalties that violates the rights of individuals and has imprisoned a generation.