

United States

The United States has a vibrant civil society and strong constitutional protections for many civil and political rights. Yet many US laws and practices, particularly in the areas of criminal and juvenile justice, immigration, and national security, violate internationally recognized human rights. Often, those least able to defend their rights in court or through the political process—members of racial and ethnic minorities, immigrants, children, the poor, and prisoners—are the people most likely to suffer abuses.

Harsh Sentencing

The United States locks up 2.37 million people, the largest reported incarcerated population in the world. About 12 million people annually cycle through county jails.

Concerns about over-incarceration in prisons—caused in part by mandatory minimum sentencing and excessively long sentences—have led some states and the US Congress to introduce several reform bills. At time of writing, none of the federal congressional measures had become law.

Thirty-one US states continue to impose the death penalty; seven of those carried out executions in 2014. In recent decades, the vast majority of executions have occurred in five states. In August, the Connecticut Supreme Court ruled the state's death penalty unconstitutional, barring execution for the 11 men who remained on death row after the Connecticut legislature did away with the death penalty in 2007.

At time of writing, 27 people had been executed in the US in 2015, all by lethal injection. The debate over lethal injection protocols continued, with several US states continuing to use experimental drug combinations and refusing to disclose their composition. In March, Utah passed a law allowing execution by firing squad. In June, the US Supreme Court ruled that Oklahoma's lethal injection protocol was constitutional. Two prisoners executed in

Oklahoma in 2014—Clayton Lockett and Michael Wilson—showed visible signs of distress as they died.

Racial Disparities in Criminal Justice

Racial disparities permeate every part of the US criminal justice system. Disparities in drug enforcement are particularly egregious. While whites and African Americans engage in drug offenses at comparable rates, African Americans are arrested, prosecuted, and incarcerated for drug offenses at much higher rates. African Americans are only 13 percent of the US population, but make up 29 percent of all drug arrests. Black men are incarcerated at six times the rate of white men.

A US Department of Justice report on the police department of Ferguson, Missouri, commissioned after the 2014 police killing of unarmed African American teenager Michael Brown, found that African Americans were disproportionately impacted at all levels of Ferguson’s justice system—a problem that persists in justice systems throughout the country.

Drug Reform

The federal government has begun to address disproportionately long sentences for federal drug offenders. At time of writing, President Barack Obama had commuted the sentences of 86 prisoners in 2015, 76 of them drug offenders. Yet more than 35,000 federal inmates remain in prison after petitioning for reconsideration of their drug sentences. In October, the Bureau of Prisons released more than 6,000 people who had been serving disproportionately long drug sentences; the releases resulted from a retroactive reduction of federal drug sentences approved by the US Sentencing Commission.

Police Reform

Once again, high-profile police killings of unarmed African Americans gained media attention in 2015, including the deaths of Freddy Gray in Baltimore and Walter Scott in North Charleston, South Carolina. The federal government does not maintain a full count of the number of people killed by police each year. The Bureau of Justice Statistics revealed

in 2015 that it tracks only 35 to 50 percent of arrest-related deaths on an annual basis. A new federal law incentivizes the collection of data regarding deaths in police custody, but does not require states to provide that data and so fails to ensure reliable data on people killed by police.

In May, Obama's Law Enforcement Equipment Working Group released recommendations to better regulate and restrict the transfer of Defense Department equipment to local law enforcement.

Prison and Jail Conditions

Momentum against the use of solitary confinement continued in 2015, but according to a new report, an estimated 100,000 state and federal prison inmates are being held in isolation.

In July, President Obama ordered the Department of Justice to review the practice of solitary confinement. Several states are currently considering legislative or regulatory reforms to reduce the use of solitary confinement. In New York, a proposed bill would limit the time during which an inmate could be held in isolation, and would ban solitary confinement for people with mental illness and other vulnerable groups. California settled a lawsuit brought by prisoners and agreed to eliminate the use of indefinite solitary confinement at the Pelican Bay State Prison—a supermax facility—as well as significantly reduce the length of time prisoners in California can be kept in solitary. However, California's legislature failed to pass a bill that would have eliminated solitary confinement for children.

Jail and prison staff throughout the US use unnecessary, excessive, and even malicious force against prisoners with mental disabilities. Although no national data exists, research—including a 2015 Human Rights Watch report—indicates that the problem is widespread and may be increasing in the country's more than 5,100 jails and prisons.

Poverty and Criminal Justice

Poor defendants nationwide are subjected to prolonged and unnecessary pretrial detention because they cannot afford to post bail. Kalief Browder committed suicide in

June, two years after being released from the jail complex on New York City's Rikers Island, where from age 16 he had been held for three years in pretrial detention, mostly in solitary confinement, because he could not afford to post \$3,000 in bail. His case catalyzed renewed criticism of money bail, prompting the New York City Council to announce creation of a bail fund and city officials to embrace new pretrial detention programs.

A new lawsuit challenging money bail was filed in October in San Francisco, and the governor of Connecticut has called for review of money bail in that state.

State and municipal practices that prey on low-income defendants to generate income gained increased attention after the Justice Department's report on Ferguson, Missouri described that town's municipal court system as little more than a revenue-generating machine targeting African Americans, with the Ferguson police as its "collection agency."

The privatization of misdemeanor probation services by several US states has also led to abuses, including fees structured by private probation companies in ways that penalize poor offenders or lead to the arrest of people who genuinely cannot afford to pay. In March, Georgia passed a law that imposes important new limits on the practices of such companies. Other states where private probation is widespread have thus far not taken similar steps, though awareness of probation-related abuses seems to be rising.

Youth in the Criminal Justice System

In every US jurisdiction, children are prosecuted in adult courts and sentenced to adult prison terms. Fourteen states have no minimum age for adult prosecution, while others set the age at 10, 12, or 13. Some states automatically prosecute youth age 14 and above as adults. Fifteen states give discretion to the prosecuting attorney, not a judge, to decide whether a youth is to be denied the services of the juvenile system. Tens of thousands of youth under the age of 18 are being held in adult prisons and jails across the country. The US remains the only country to sentence people under the age of 18 to life without the possibility of parole.

In 2015, there was some movement toward reducing the number of children tried as adults. In Illinois, a new law ended the automatic transfer of children under 15 to adult court. New

Jersey increased the minimum age to be tried as an adult from 14 to 15. California, for the first time in 40 years, improved the statutory criteria judges use in transfer hearings, which could reduce the number of youth tried as adults.

Rights of Non-Citizens

The US government continued the dramatic expansion of detention of migrant mothers and their children from Central America, many of them seeking asylum, though it announced some reforms mid-year. Human Rights Watch has documented the severe psychological toll of indefinite detention on asylum-seeking mothers and children and the barriers it raises to due process.

In June, the Obama administration announced it would limit long-term detention of mothers and children who pass the first step to seeking refugee protection, and cease detaining individuals as a deterrent to others. A federal judge ruled in July that the US government's family detention policy violates a 1997 settlement on the detention of migrant children. While detention of families continues, most are released within weeks if they can make a seemingly legitimate asylum claim.

A federal lawsuit halted implementation of the Obama administration's November 2014 executive actions to provide a temporary reprieve from deportation to certain unauthorized immigrants, which could have protected millions of families from the threat of arbitrary separation. Legislative efforts toward legal status for millions of unauthorized migrants in the US continued to founder.

Human Rights Watch documented in June how the US government targets for deportation lawful permanent residents and other immigrants with longstanding ties to the US who have drug convictions, including for old and minor offenses. State and federal drug reform efforts have largely excluded non-citizens, who face permanent deportation and family separation for drug offenses.

Labor Rights

Hundreds of thousands of children work on US farms. US law exempts child farmworkers from the minimum age and maximum hour requirements that protect other working

children. Child farmworkers often work long hours and risk pesticide exposure, heat illness, and injuries. In 2015, the Environmental Protection Agency banned children under 18 from handling pesticides. Children who work on tobacco farms frequently suffer vomiting, headaches, and other symptoms consistent with acute nicotine poisoning. After Human Rights Watch reported on hazardous child labor in US tobacco farming, the two largest US-based tobacco companies—Altria Group and Reynolds American— independently announced that, beginning in 2015, they would prohibit their growers from employing children under 16.

Right to Health

Stark racial disparities continue to characterize the HIV epidemic in the US, as the criminal justice system plays a key role as a barrier to HIV prevention and care and services for groups most vulnerable to HIV, including people who use drugs, sex workers, men who have sex with men, and transgender women.

A large outbreak of HIV and Hepatitis C infection occurred in rural southern Indiana in 2015, affecting more than 180 people who inject drugs. A state law allowing needle exchange programs in response to outbreaks was passed but maintains prohibitions on state funding for such programs as part of a broader prevention approach.

Rights of People with Disabilities

Corporal punishment in state schools is still widely practiced in 19 US states. Children with disabilities receive corporal punishment at a disproportionate rate to their peers, despite evidence that it can adversely affect their physical and psychological conditions. In contrast, 124 countries have criminalized physical chastisement in public schools.

Women's and Girls' Rights

Despite Defense Department reforms, US military service members who report sexual assault frequently experience retaliation, including threats, vandalism, harassment, poor work assignments, loss of promotion opportunities, disciplinary action including discharge, and even criminal charges. The military does little to hold retaliators to account or provide effective remedies for retaliation. In May, Human Rights Watch released a report

that found both male and female military personnel who report sexual assault are 12 times as likely to experience some form of retaliation as to see their attacker convicted of a sex offense.

In June, the US Supreme Court ruled that housing policies and practices with a disproportionate and negative impact against classes protected from discrimination violate the Fair Housing Act, regardless of whether the policy was adopted with the intent to discriminate. The ruling is important for domestic and sexual violence victims who can face eviction due to zero-tolerance policies—where an entire household may be evicted if any member commits a crime—or municipal nuisance ordinances that subject tenants to eviction if they call the police frequently.

Sexual Orientation and Gender Identity

The US Supreme Court issued a landmark decision on June 26, 2015, that grants same-sex couples throughout the country the right to marry.

At time of writing, 28 states do not have laws banning workplace discrimination based on sexual orientation or gender identity, while three states prohibit discrimination based on sexual orientation but not on gender identity.

In July, the federal Equal Employment Opportunity Commission ruled that discrimination on the basis of sexual orientation is prohibited under the existing definition of discrimination based on sex in Title VII of the Civil Rights Act of 1964.

In June, US Immigration and Customs Enforcement (ICE) introduced a policy providing certain protections for transgender women in immigration detention. Nevertheless, transgender women in ICE custody continue to receive inadequate medical care and report verbal and sexual harassment in detention.

National Security

The practice of indefinite detention without charge or trial at Guantanamo Bay entered its 14th year; at time of writing, 107 detainees remained at the facility, 48 were cleared for

release, and the Obama administration had in 2015 transferred 20 detainees to their homes or third countries.

The administration continued to pursue cases before the fundamentally flawed military commissions at Guantanamo. In June, a federal appeals court overturned the 2008 conviction of Ali Hamza Ahmad Suliman al-Bahlul, the alleged Al-Qaeda “public relations director” who was found guilty of conspiracy, soliciting murder, and providing material support for terrorism. As a result of the decision, at least five of the eight convictions imposed by the military commissions are now no longer valid.

Some detainees continued hunger strikes to protest their detention, including Tariq Ba Odah, who has been force-fed by nasal tube for several years and whose lawyers and doctors say is near death. The Obama administration opposed Odah’s legal request for a court-ordered release, even though the administration had cleared him for release five years ago.

Congress and President Obama signed into law the annual National Defense Authorization Act (NDAA), which in recent years has included provisions on Guantanamo detentions. In 2015, the law tightened existing restrictions on the transfer of detainees out of Guantanamo. The provisions will make it more difficult, though not impossible, to transfer detainees home or to third countries, and maintains the complete ban on transfer of detainees to the US for detention or trial.

The release in December 2014 of a summary of a Senate Intelligence Committee report on the Central Intelligence Agency (CIA)’s detention and interrogation program uncovered new information on the methods and extent of torture and Bush administration efforts to avoid culpability. The summary sparked calls by Human Rights Watch and others for new Justice Department criminal investigations into CIA torture and other violations of federal law, and, should the US fail to act, for action by other governments, including renewed efforts in Europe where a number of cases related to CIA torture already have been filed.

In response to the Senate summary, Congress included a provision in the NDAA that requires all US government agencies except law enforcement entities to abide by rules in the Army Field Manual on interrogation, and provide the International Committee of the

Red Cross with notification of, and prompt access to, all prisoners held by the US in any armed conflict. The provision will bolster existing bans on torture, but without credible criminal investigations into CIA torture it is unclear how effectively the provision will guard against future abuse.

In June, Congress took a first small step toward curbing the government's mass surveillance practices by passing the USA Freedom Act. The law imposes limits on the scope of the collection of phone records permissible under section 215 of the USA Patriot Act. It also puts in place new measures to increase transparency and oversight of surveillance by the National Security Agency (NSA).

The law does not constrain surveillance under section 702 of the FISA Amendments Act or Executive Order 12333, the primary legal authorities used by the US government to justify mass violations of privacy of people outside US borders. The law also does not address many modern surveillance capabilities, from use of malware to interception of all mobile calls in a country.

US law enforcement officials continued to urge major US Internet and mobile phone companies to weaken the security of their services to facilitate surveillance in the course of criminal investigations. In May, the UN special rapporteur on freedom of expression called on all countries, including the US, to refrain from weakening encryption and other online security measures because such tools are critical for the security of human rights defenders and activists worldwide.

Foreign Policy

In July, the US and other countries reached a comprehensive deal with Iran, restricting its nuclear weapons program in exchange for sanctions relief.

Although a full drawdown of US troops from Afghanistan was planned for the end of 2014, Obama ordered 9,800 US troops to remain in Afghanistan through the end of 2015 and 5,500 to remain into 2017.

Throughout the year, the US conducted airstrikes against the forces of the armed extremist group Islamic State (also known as ISIS) in Iraq and Syria and led a coalition of Western and regional allies in what Obama called a “long-term campaign” to defeat the group. A US program to train and equip “moderate” Syrian rebels—costing hundreds of millions of dollars—only produced approximately 60 fighters, a number of whom were promptly captured or killed. The US continued to call for a political solution to the conflict in Syria without a role for President Bashar al-Assad.

In March, a Saudi-led coalition of Arab states began a military campaign against the Houthis in Yemen. The US provided intelligence, logistical support, and personnel to the Saudi Arabian center planning airstrikes and coordinating activities, making US forces potentially jointly responsible for laws-of-war violations by coalition forces.

US drone strikes continued in Yemen and Pakistan, though at reduced numbers, while US strikes increased in Somalia.

The US restored full military assistance to Egypt in April, despite a worsening human rights environment, lifting restrictions in place since the military takeover by President Abdel Fattah al-Sisi in 2013. Egypt resumed its position as the second-largest recipient of US military assistance, worth \$1.3 billion annually, after Israel. In June, the US lifted its hold on military assistance to the Bahraini military despite an absence of meaningful reform, which was the original requirement for resuming the aid.

In July, President Muhammadu Buhari of Nigeria met with Obama in Washington; the US then pledged broad support for counterterrorism efforts and the fight against the militant Islamist group Boko Haram, as well as collaboration on economic development and tackling corruption. Obama in July traveled to Kenya and Ethiopia, where he urged respect for term limits across Africa.

More than 50 years since trade and diplomatic ties were severed during the Cold War, the US officially reopened diplomatic relations with Cuba in August. Obama also called for the lifting of the economic embargo, which would require an act of Congress.

In September, Obama waived provisions of the Child Soldiers Prevention Act to allow four countries—the Democratic Republic of Congo, Nigeria, Somalia, and South Sudan—to continue to receive US military assistance, despite their continued use of child soldiers. Obama delegated authority to Secretary of State John Kerry to make determinations under the act regarding Yemen, where child soldiers are used by all sides to the conflict; at time of writing, all US military aid to Yemen was suspended because of continuing instability there.