

Human Rights Record of the United States in 2007

2007年美国的人权纪录

**Information Office of the State Council
of the People's Republic of China**

国务院新闻办公室

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March 13, 2008

The State Department of the United States released its Country Reports on Human Rights Practices for 2007 on March 11, 2008. As in previous years, the reports are full of accusations of the human rights situation in more than 190 countries and regions including China but mention nothing of the widespread human rights abuses on its own territory. The Human Rights Record of the United States in 2007 is prepared to help people around the world understand the real situation of human rights in the United States and as a reminder for the United States to reflect upon its own issues.

I. On Life, Property and Personal Security

The increase of violent crimes in the United States poses a serious threat to its people's lives, liberty and personal security.

According to a FBI report on crime statistics released in September 2007, 1.41 million violent crimes were reported nationwide in 2006, an increase of 1.9 percent over 2005. Of the violent crimes, the estimated number of murders and nonnegligent manslaughters increased 1.8 percent, and that of robberies increased 7.2 percent (FBI Release its 2006 Crime Statistics, FBI, www.fbi.gov/pressrel/pressrel107/cius092407.htm). Throughout 2006, U.S. residents age 12 or above experienced an estimated 25 million crimes of violence and theft. The violent crime rate was 24.6 victimizations per 1,000 persons age 12 or older, for property crimes it was 159.5 per 1,000 households. Males experienced 26 violent victimizations per 1,000 males age 12 or older; females, 23 per 1,000 females age 12 or older. Blacks experienced 33 violent victimizations per 1,000 persons age 12 or older, higher than 23 for whites (Criminal Victimization 2006, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). In the United States, one violent crime was committed in every 22.2 seconds, one murder committed in every 30.9 minutes, one rape in every 5.7 minutes, one robbery in every 1.2 minutes and

one aggravated assault in every 36.6 seconds (FBI Release its 2006 Crime Statistics, FBI, www.fbi.gov/pressre1/pressre107/cius092407.htm).

A survey by the Police Executive Research Forum in 163 U.S. cities shows that 65 percent of them reported increases or no changes in homicides during the first half of 2007, 41.9 percent of cities reported increases or no changes in aggravated assaults, 55.6 percent reported increases or no changes in robberies (Survey Shows Shift in Violence, USA Today, October 12, 2007). In New Orleans, 209 homicides were recorded in 2007, a 30 percent increase over that of 2006 (New Orleans Homicides up 30% Over '06 Level, USA Today, January 3, 2008). Washington D.C. recorded 181 killings in 2007, jumping 7 percent over 2006 (Killings in D.C. up After Long Dip, The Washington Post, January 1, 2008). Baltimore recorded 282 homicides last year (City Marks First '08 Slaying. The Baltimore Sun, January 2, 2008) and 428 killings were logged in New York by the end of November (City Homicides Still Dropping, to Under 500, The New York Times, November 23, 2007). From January to September, Chicago recorded 119,553 criminal offences including 341 murders and 11,097 robberies (Chicago Police Department, <http://egov.cityofchicago.org>). From January to November, 737 people were murdered in Los Angeles, namely two were killed every day (World Daily, December 4, 2007). In Detroit, rampant violent crimes have

forced many residents to find new homes elsewhere, and the city's population has declined by nearly 1 million since 1950, according to the Census Bureau (Study: Detroit Most Dangerous City, the Associated Press, November 18, 2007).

The United States has the largest number of privately-owned guns in the world. Frequent gun violence poses a serious threat to people's life and property security. There are an estimated 250 million privately-owned firearms in the United States. Almost every American, even ex-criminals with felony records and minors, has firearms. The Associated Press reported on January 29, 2007 that about 410,000 Floridians were licensed to carry hidden guns, including 1,400 who had pleaded guilty or no contest to felonies, thanks to loopholes, errors and miscommunication of authorities.

In the United States, about 30,000 people die from gun wounds every year (Update 2-Senate Passes Gun Bill in Response to Rampage, Reuters, December 19, 2007). The USA Today reported on December 5, 2007 that gun killings have climbed 13 percent overall since 2002. An estimated 25 percent of all violent crime incidents were committed by an armed offender. The presence of a firearm was involved in 9 percent of these incidents (Criminal Victimization 2006, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). According to a report

by the U.S. Department of Justice on December 2007, among students ages 12-18, there were about 1.5 million victims of nonfatal crimes at school in 2005. In the same year, 8 percent of students in grades 9-12 reported being threatened or injured with a weapon in the previous 12 months. From July 1, 2005 to June 30, 2006, among youth ages 5-18, there were 17 school-associated violent deaths (Indicators of School Crime and Safety 2007, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). On April 16, 2007, the Virginia Tech University witnessed the deadliest shooting rampage in modern U.S. history with 33 killed and more than 30 others injured (AFP, April 17, 2007). On February 12, 2007, two separate gun killings in the Salt Lake City and Philadelphia claimed eight lives and injured several other people (The Associated Press, February 13, 2007). On June 9, in Delevan, Wisconsin, a gunman killed four adults and two infants (Chicago Tribune, June 11, 2007). On October 31, a 38-year-old pregnant woman was caught in gang gunfire while returning home after trick-or-treating with her children on Halloween night. She was shot in head and killed (Chicago Tribune, November 2, 2007). On December 5, a man opened fire at a shopping mall in Omaha, Nebraska, killing eight people and injuring five others. The man then killed himself (The Associated Press, December 5, 2007). On December 7, three separate gun killings took place in

San Jose, the acclaimed "safest city" in the United States. Four people were killed by guns in the city in less than one month. (Ming Pao, December 9, 2007). On December 9, two separate gun killings in churches killed five people and injured other five in Colorado (Reuters, December 9, 2007). On December 24 and 25, at least nine people were killed in several gun killings in New York City (www.chinesenewsnet.com, December 26, 2007). On December 26, bodies of six people died from gun wounds were discovered at a residential building in eastern Seattle (www.chinesenewsnet.com, December 27, 2007).

II. On Human Rights Violations by Law Enforcement and Judicial Departments

The abuse of their power by law enforcement and judicial departments in the United States has seriously violated the freedom and rights of its citizens.

Cases in which U.S. law enforcement authorities allegedly violated victims' civil rights increased by 25 percent from fiscal year 2001 to 2007 over the previous seven years, according to statistics from U.S. Department of Justice (Police Brutality Cases up 25%: Union Worried Over Dip in Hiring Standards, USA Today, December 18, 2007). The national average among large police departments for excessive-force complaints was 9.5 per 100 full-time

officers (The New York Times, November 14, 2007). But the majority of law enforcement officers accused of brutality were not prosecuted in the end. From May 2001 to June 2006, 2,451 police officers in Chicago received four to 10 complaints each, 662 of them received more than 10 complaints each, but only 22 were punished. Furthermore, there were officers who had amassed more than 50 abuse complaints but were never disciplined in any fashion (The Chicago Police Department's Broken System, University of Chicago, www.law.chicago.edu). On August 17, 2006, a 52-year-old Chicago woman named Dolores Robare was nearly struck by a speeding police car when she was crossing the road. The officer stopped and asked her to produce her identification. She was brutally beaten by the police when she asked them why it was taking so long (The Chicago Tribune, May 1, 2007). On December 15, 2006, four businessmen were beaten by six off-duty officers at a bar for no apparent reasons (The Chicago Tribune, June 9, 2007). On August 3, 42-year-old African American Geoffrey Johnson was killed at his home by the police using a taser gun. On August 6, 18-year-old black youth Aaron Harrison was shot in the back and killed by police pursuing him (The Chicago Tribune, August 9, 2007). On May 1 when Latino immigrants were campaigning for the rights of illegal immigrants at MacArthur Park in downtown Los Angeles, police officers abused their power by clubbing

demonstrators and journalists and shooting them with rubber bullets (The Los Angeles Times, October 9, 2007). On November 12, five police officers fired 20 bullets at 18-year-old youth Khriel Coppin, eight hitting him, in front of his mother's house, after mistaking a comb he was brandishing as a gun (The China Press, New York, November 19, 2007). According to a report released by the U.S. Department of Justice in October 2007, 47 states and the District of Columbia reported 2,002 arrest-related deaths between 2003 and 2005. Among these, 1,095, or 55 percent, were killed by gunfire of state or local police (Death in Custody Statistical Tables, U.S. Department of Justice, www.ojp.usdoj.gov/bjs).

The United States of America is the world's largest prison and has the highest inmates/population ratio in the world. A December 5, 2007 report by EFE news agency quoted statistics of U.S. Department of Justice as saying that the number of inmates in U.S. prisons has increased by 500 percent over the last 30 years. By the end of 2006, there were 2.26 million inmates in U.S. prisons, up 2.8 percent from a year ago. The number is the highest over the last six years. The U.S. population only accounted for 5 percent of the world total, but its inmates made up 25 percent of the world total. There were 751 inmates in every 100,000 U.S. citizens, far higher than the rates in other Western countries (EFE news agency, December 5, 2007). Among the inmates, 96 percent were serving sentences of more than one year,

which equaled about one in every 200 U.S. citizens serving a sentence of more than a year (Prisoners In 2006, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). Since the September 11 attacks, reincarceration rate has been rising in the United States. According to statistics, about two thirds of the inmates would commit a second crime within three years after releasing. Two out of three inmates would be caught again after their release and 40 percent would be put behind bars again.

Abusing the inmates is commonplace in U.S. prisons. According to a report released by U.S. Department of Justice in December 2007, an estimated 60,500 inmates, or 4.5 percent of State and Federal inmates, experienced one or more incidents of sexual victimization, 2.9 percent of the inmates reported an incident involving prison staff, 0.5 percent said they had been sexually victimized by both other inmates and staff, 0.8 percent of the inmates were injured as a result of sexual victimization (Sexual Victimization in State and Federal Prisons Reported by Inmates, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). The U.S. government acknowledged in a January 16, 2007 report that suspected illegal immigrants were mistreated in five prisons, breaching the principle of humane custody (The Washington Post, January 17, 2007). The Washington Post reported on December 17, 2007 that juvenile inmates in a West Texas youth prison were sexually assaulted or beaten and denied

medical care. Those who reported the crime got revenged upon and the situation remained unimproved months after the scandal was brought to light. (Dad Dismissed Prison Reform, The Washington Times, December 17, 2007). In January 2008, seven prisoners in Georgia State filed a class-action lawsuit accusing guards and other corrections officers of abusing and torturing them between October 2005 and August 2007, including beating them with batons and special black leather "beating gloves" and ramming inmates' heads against the wall. Media reports said some 40 inmates in other Georgia prisons complained of similar cases, in which guards strapped nude inmates to iron beds or iron chairs, denying them of food, water or access to bathroom for as long as 48 hours, and causing the death of two inmates (International Herald Tribune, January 8, 2008). Guards in American prisons regularly use taser guns. According to a 2007 report from Amnesty International, 230 Americans have died from taser guns since 2001. In July 2006, a prison in Garfield County, Colorado was accused of regularly using taser guns or pepper sprayers on inmates, and then tying them to chairs in awkward positions for hours. In August, prison guards in Arapahoe County of Colorado strapped inmate Raul Gallegos-Reyes to a restraint chair for yelling and knocking on his cell door. He died after being repeatedly stunned with a taser gun.

U.S. prisoners often die from HIV/AIDS infection or

inadequate medical service. A report released by the U.S. Department of Justice in September 2007 said there were 22,480 state and federal inmates who were HIV infected or had confirmed AIDS at yearend 2005, 5,620 inmates had confirmed AIDS. During 2005 an estimated 176 state and 27 federal inmates died from AIDS-related causes (HIV in Prisons 2005, U.S. Department of Justice, www.ojp.usdoj.gov/bjs). According to a report by the Los Angeles Times on September 20, 2007, 426 death cases took place in California prisons in 2006 due to belated treatment. Among them, 18 deaths were found to be "preventable" and an additional 48 were found to be "possibly preventable." On April 14, 2007, 41-year-old diabetic prisoner Rodolfo Ramos died after being left alone and covered in his own feces for a week. Prison officials failed to get medical treatment for him despite knowing of his condition (The Associated Press, April 27, 2007).

The justice of U.S. judicial system was increasingly put in question. Survey finds that since the first DNA exoneration in 1989, there have been 209 post-conviction DNA exonerations in the United States. The average length of time served by exonerees is 12 years. The average age of exonerees at the time of their wrongful convictions was 26, and 15 of the 209 people exonerated through DNA served time on death row (Facts on Post-Conviction DNA Exonerations, Innocence Project, www.innocenceproject).

com). The Associated Press reported on January 3, 2008 that Charles Chatman of Texas was proved innocent by DNA evidence after spending 26 years in prison. In 1981, he was sentenced to 99 years in prison after convicted of committing serious sexual assaults. He was the 15th inmate exonerated by DNA evidence in Dalas since 2001 (Texas Man Exonerated by DNA After 26 Years, the Associated Press, January 3, 2008).

III. On Civil and Political Rights

The freedom and rights of individual citizens are being increasingly marginalized in the United States.

The House of Representatives and the Senate of the U.S. Congress passed the Protect America Act of 2007 on August 3, and August 4, 2007, respectively. The act enables the U.S. administration to eavesdrop terrorist suspects in the United States without court approval. It also permits intelligence services to conduct electronic surveillance on digital communications between terrorist suspects outside the United States if the communications are routed through the country (The so-called Protect America Act, August 10, 2007, <http://public.findlaw.com>). According to a report by the Washington Post on March 10, 2007, the FBI improperly obtained personal information on more than 52,000 people without court oversight through the use of

national security letters (NSLs) from 2003 to 2005. Verizon Communications, the second largest telecom company in the United States, disclosed that the FBI sought information identifying not just a person making a call, but all the people that customer called, as well as the people those people called. From January 2005 to September 2007, Verizon provided data to federal authorities "on an emergency basis" 720 times. The records included Internet protocol addresses as well as phone data. In that period, Verizon turned over information a total of 94,000 times to federal authorities armed with a subpoena or court order. The information was mainly used for a range of criminal investigations including counter-terrorism investigations (The Washington Post, October 16, 2007). In August 2007, the United States' National Intelligence Director Mike McConnell revealed that fewer than 100 people inside the United States are monitored under the Foreign Intelligence Surveillance Act (FISA) warrants. However, he said, thousands of people overseas are monitored (The Associated Press, August 23, 2007). The FBI is embarking on a 1 billion U.S. dollars effort to build the world's largest computer database of peoples' physical characteristics, called Next Generation Identification, a project that would give the government unprecedented abilities to identify individuals in the United States and abroad. The increasing use of biometrics for identification is raising questions about the ability of