

BRINGING HUMAN RIGHTS HOME

CHICAGO & ILLINOIS:
10 POINT HUMAN
RIGHTS AGENDA

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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EXECUTIVE SUMMARY

Amnesty International's report, *Bringing Human Rights Home to Chicago and Illinois*, is an action-oriented blueprint for advancing human rights in Chicago and Illinois. The report, prepared in connection with Amnesty International USA's annual Human Rights Conference, outlines ten pressing human rights issues facing the city of Chicago and the state of Illinois as a whole and recommends steps for immediate action by city, state and/or federal officials.

Bringing Human Rights Home to Chicago and Illinois focuses on:

1. Reparations for survivors of **torture** by Chicago police from the 1970s to 1990s, involving more than 100 suspects
2. An array of human rights impacted by **gun violence** in Chicago
3. Potential human rights violations connected to **school closures**, including lack of access to quality **education** and children placed at risk of violence or death
4. Human rights challenges in the Illinois **criminal justice** system, including a prison population that has quadrupled over a thirty-year period
5. Concerns about **racial profiling** in Illinois, including investigatory street stops in Chicago
6. The use of **Tasers** by law enforcement officials
7. The use of prolonged and indefinite **solitary confinement** in the Illinois justice system
8. The **sentencing of juveniles to life without parole** in Illinois
9. Concerns about **immigrant human rights**, including at three immigration detention facilities in Illinois
10. Gaps in ensuring **human rights of LGBTQI individuals and communities**, including gaps in addressing hate crimes and policing practices related to gender identity and sexual orientation in Chicago

In each of the ten areas of focus, Amnesty International makes recommendations for immediate action by city, state and/or federal officials:

1. **Torture:** Ensure allegations of torture or other ill-treatment are investigated, perpetrators are prosecuted and victims are compensated. The Chicago City Council should pass the ordinance introduced by Aldermen Moreno and Brookins providing reparations for Chicago police torture survivors;
2. **Gun Violence:** Ensure human rights are part of the strategy to address gun violence, including a call for all federal legislators in Illinois to co-sponsor, and the US Congress to pass, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act") (H.R. 1381 and S. 1307), a bi-partisan bill that would fund, implement and evaluate evidence-based locally run youth and gang violence prevention and intervention programs, including in Chicago.
3. **Education:** Local, state and federal officials should ensure that children enjoy their right to be protected from harm and discrimination, and that their access to education is not restricted. The "Safe Passage Routes" should continue to be adequately resourced to ensure that all children's right to life and security of the person are respected.

4. **Criminal Justice:** Illinois state legislators should undertake a comprehensive review of the state's criminal justice system policies and practices and implement reforms that would address mass incarceration, prison conditions, harsh mandatory minimum sentences, discriminatory profiling by law enforcement, unnecessary or excessive use of force by law enforcement, as well as racial and economic disparities that exist at every stage of the criminal justice system.
5. **Racial Profiling:** The City of Chicago should reform the Chicago Police Department Contact Information System and create an effective database to allow for better oversight and accountability of potential racial profiling by CPD officers during stops of Chicago residents. The Illinois Legislature should introduce and pass legislation that bans the practice of racial profiling in all police interactions, and should pass HB 4222, which will remove the January 1, 2015 sunset provision of its current racial profiling data collection statute.
6. **Tasers:** The Independent Police Review Authority should fully investigate every incident where a taser is used; the City of Chicago should ensure funding for independent reviews; and the State of Illinois pass legislation suspending the use of tasers until all law enforcement personnel currently equipped with such devices are properly trained and effective oversight mechanisms are established to ensure that arbitrary and abusive use of CEDs is prevented and punished.
7. **Solitary Confinement:** The Illinois legislature should pass legislation that would eliminate the use of prolonged and indefinite solitary confinement and ensure that it complies with international law and standards, including a complete ban on the use of solitary confinement for children and people with mental disabilities; federal legislators from Illinois should ensure that the Thompson Correctional Center is neither funded nor designated as a "super-max" isolation facility.
8. **Juvenile Life without Parole:** The Illinois legislature should pass legislation that would prohibit life without parole sentences for juveniles. In furtherance of this, Illinois Legislature should pass S.B. 1858 to bring its sentencing laws in compliance with the Supreme Court decision (*Miller v Alabama*) on mandatory juvenile life without parole. The State of Illinois should grant sentencing review hearings to all of those juveniles who were sentenced to life without parole.
9. **Immigrant rights:** State and local officials in Illinois should rescind the contracts of any facility that detains immigrants for Immigration and Customs Enforcement that fails to meet international standards on administrative detention of immigrants and ICE detention standards.
10. **LGBTQI rights:** The Municipal Code of Chicago (§§2-120-518/8-4-085) should be amended to include gender identity as a motivating bias for a hate crime; Police Departments in Chicago and Illinois should review Amnesty International's recommendations on best practices for policing practices with regards to LGBTQI communities and ensure that their policies and procedures adhere to international law and standards.

Amnesty International recognizes the vibrant human rights community within Chicago and that the state of Illinois – thanks in part to the dedication and leadership of many Chicagoans -- has taken a number of positive steps to advance human rights issues, from marriage equality to abolishing the death penalty. However, more still needs to be done. For further information please go to www.amnestyusa.org.

The time for action – and change – is now.

BRINGING HUMAN RIGHTS HOME CHICAGO & ILLINOIS: 10 POINT HUMAN RIGHTS AGENDA

Amnesty International is a global movement of more than 3 million supporters, members and activists in over 150 countries and territories who campaign to fight injustice and promote human rights. Amnesty International's vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

Amnesty International has documented a wide range of human rights abuses across the United States, including torture and ill-treatment; abuses within the criminal justice and immigration systems; violations of economic, social and cultural rights, such as the right to access affordable, quality health care; and discrimination on the basis of gender, race, religion, ethnicity, sexual orientation, gender identity or socio-economic status.

This document represents just some of the human rights issues in the city of Chicago and Illinois. They range from police torture and ill-treatment; gun violence, which impacts a number of rights including the right to life and security of the person; to issues within the criminal justice system, including racial profiling, the use of Tasers, mass incarceration, solitary confinement, and the ongoing practice of sentencing children to life without parole; and issues related to discrimination on the basis on race, national origin, sexual orientation and gender identity.

Amnesty International recognizes the vibrant human rights community within Chicago and that the state of Illinois has exercised leadership on many human rights issues, from abolishing the death penalty to recent legislation recognizing marriage equality. However, more needs to be done to *Bring Human Rights Home* and ensure that every person in Chicago and Illinois can fully enjoy their human rights.

Amnesty International calls upon the City of Chicago; the State of Illinois and federal legislators in Illinois to put human rights at the center of policy making, including taking immediate steps to implement the following calls to action:

1. ENSURE ALLEGATIONS OF TORTURE ARE INVESTIGATED, PERPETRATORS ARE PROSECUTED AND VICTIMS ARE COMPENSATED

In May of 1972, Anthony Holmes was interrogated by then Police Detective Jon Burge among others at Area 2 Police Headquarters. During his interrogation, Holmes' hands and legs were shackled while he was forced to sit in a chair. Burge then took the wires from his electric shock box, known by the detectives as the "nigger box" and wrapped the wires around both sets of shackles. Burge then proceeded to repeatedly shock Holmes with the box while suffocating him with a plastic bag, causing him to pass out from the pain. At one point, after Holmes had passed out and fell to the floor, he remembers gaining consciousness while being lifted up off the floor and thinking to himself that he was going to die. He then agreed to falsely confess to a murder he did not commit. The confession, the sole piece of incriminating evidence, was used against him to secure his conviction and subsequent incarceration for thirty years. He has not received any form of compensation.



Torture victims from left, Victor Saffold, Mark Clements, Anthony Holmes and Darrell Cannon talk to the media in the lobby of the federal building in Chicago Thursday, Jan. 20, 2011, where retired Chicago police officer Jon Burge is awaiting sentencing on his conviction on lying about the torture of suspects. (AP Photo/Chicago Sun-Times, Brian Jackson).

- Police in Chicago systematically tortured over **100** suspects between 1972 and 1991, by and under the direction of Police Commander Jon Burge¹ at Area 2 and Area 3 police headquarters.
- In addition to beatings, individuals alleged that they had been subjected to electric shocks; had plastic bags placed over their heads and were threatened with mock executions.
- Forced confessions resulted in **dozens** of individuals being sentenced to long prison sentences or even death. Most of the alleged victims were black.
- While **16** victims have since been exonerated and released, according to the People's Law Office of Chicago, at least **19** potential survivors of torture still remain incarcerated.
- The State of Illinois Torture, Inquiry and Relief Commission is still investigating as many as **71** cases who claim torture by Burge or persons under his supervision at the time or involve officers who had previously been under the supervision of Jon Burge, but were not at the time of the alleged torture.
- No one has been prosecuted or convicted for the crime of torture and many of those tortured are still waiting for reparations.

The accusations are by no means unique. Amnesty International investigated allegations that detectives in Area 2 and Area 3 police headquarters in Chicago systematically tortured more than 100 suspects between 1972 and 1991. Jon Burge was at the center of many of these allegations, either directly or through the chain of command. Initially a detective and then a lieutenant in Area 2, Burge later became Commander of the Area 23 Police Headquarters Detective Division before moving to Area 3 Police Headquarters. Several Area 2 colleagues followed him to Area 3, as did the allegations that they were regularly using torture and other ill-treatment to extract confessions from suspects. In addition to beatings, individuals alleged that they had been subjected to electric shocks, had plastic bags placed over their heads and had been threatened with mock executions. Forced confessions resulted in dozens of individuals being sentenced to long prison sentences or, in the case of eleven individuals, death sentences. All of the victims were of color, with the majority of them African American; the detectives were white. Sixteen victims have since been exonerated and released, according to the People's Law Office of Chicago, and there are at least 19 survivors of torture who remain incarcerated.

No officer has ever been prosecuted or convicted for any acts of torture in Chicago, despite indisputable evidence that torture occurred. After years of inaction by the authorities, two special prosecutors were appointed in 2002. In 2006, the investigation confirmed that scores of suspects were tortured. However, the prosecutors concluded that the statute of limitations prevented the prosecution of Burge or others under his command for the crime of torture. In 2010, Burge was convicted of the crimes of perjury and obstruction of justice for denying the torture he and others committed, and was sentenced to four-and-a-half years in prison. The United States has failed to make torture a specific crime without a statute of limitations under federal law. In 2010, members of Chicago's congressional delegation introduced federal legislation criminalizing acts of torture when committed by law enforcement officials in the United States and precluding a statute of limitations for the prosecution of such crimes. However, the Law Enforcement Torture Prevention Act (LETPA) has not been passed.

¹Jon Burge held several ranks within the CPD when he directly committed acts of torture and later supervised others who committed acts of torture in Area 2 and Area 3 Police Headquarters. For the purposes of this document, when generally referring to Jon Burge, Amnesty International uses his last rank of Police Commander unless discussing a specific incident where his rank at that time is noted.

Many survivors and their families are still waiting for reparations for the torture committed by police officers. On October 16, 2013, Aldermen Proco Joe Moreno and Howard B. Brookins, Jr. filed an ordinance in the City Council that would allocate \$20 million toward redress to torture survivors and their families. The ordinance aims to create a commission to administer financial compensation to survivors, as well as creating a medical, psychological, and vocational center on the South Side of the city.

International law strictly prohibits the use of torture and stipulates that governments are responsible for promptly **investigating** torture allegations; bringing **criminal proceedings** in cases of torture and **providing reparations** for the victims. Decades later, however investigations into torture by Chicago police officers are still ongoing; no-one has been convicted, and many survivors are still waiting for reparations.

CALL TO ACTION:

- ✓ The City Council of Chicago should pass the ordinance introduced by Aldermen Moreno and Brookins providing reparations for the Chicago Police torture survivors;
- ✓ City and state officials should fully investigate any allegation of torture or other ill-treatment committed by law enforcement officials; prosecute and bring to justice any individual against whom credible allegations of torture or other ill-treatment are made; and provide reparations to survivors and their families;
- ✓ Federal legislators in Illinois should support re-introduction, the United States Congress should pass, and the President should sign the Law Enforcement Torture Prevention Act, which would specifically criminalize acts of torture in the United States by law enforcement personnel and others acting under color of law, and removes the statute of limitations for such crimes.

2. ENSURE HUMAN RIGHTS ARE PART OF THE STRATEGY TO ADDRESS GUN VIOLENCE

In August 2011, six-year-old Arianna Gibson was fatally shot at around 6 a.m. when someone walked up to the front porch of her grandmother's bungalow, in Englewood, and fired a gun through the living room window.



In this Sept. 20, 2013 photo, Chicago police detectives investigate the scene where a number of people, including a 3-year-old child, were shot in a city park in Chicago. (AP Photo/Paul Beaty)

VIOLENCE AFFECTS EVERYONE IN CHICAGO, BUT YOUNG PEOPLE ARE AT THE CENTER OF THE GUN VIOLENCE EPIDEMIC.

- In 2013, **414** people were killed in Chicago; with nearly 80 per cent of those deaths attributed to gun violence.
- From 2008-2012, **almost half** of Chicago's **2,389** homicide victims were killed before their 25th birthdays.
- According to Chicago crime statistics, **75 per cent** of Chicago's 506 gun-death victims in **2012** were African-American or Latino.
- In **2010**, **1,109** school aged youth were shot, and **216** of those were killed.
- According to Chicago Police Department data, there were a total of 1,864 shootings in Chicago which resulted in 2,328 shooting victims.
- According to Chicago Police Department data, there were 10,343 crimes committed with a hand gun or firearm in Chicago in 2013.

Gun violence is a widespread problem across the United States with more than 11,000 individuals killed each year as a result of someone pulling a trigger. Many cities in the United States, including Chicago have high gun homicide rates and other forms of gun violence. The reasons for gun violence in Chicago are complex. Poverty, unemployment, lack of access to education, public housing demolition and gang fragmentation across the city are some of the factors that play a role in the violence.

In 2013, **414** people were killed in Chicago; with nearly 80 per cent of those deaths attributed to gun violence. Chicago's homicide rate is alarmingly elevated, especially compared with other big cities like Los Angeles and New York. For instance, New York City has three times the population of Chicago, and had 333 murders in 2013. Additionally, Los Angeles, with a population of over a million more people than Chicago, had 255 murders in 2012.

Gun violence affects everyone in Chicago, but it is particularly devastating for youth. From 2008-2012, almost half of Chicago's 2,389 homicide victims were killed before their 25th birthdays. While an alarming number of young people in Chicago have been killed in gun attacks, many more are exposed to gun violence on a regular basis. Although 414 people were killed in 2013, there were a total of 1,864 shootings in the city, which resulted in 2,328 shooting victims. An additional 10,343 crimes involving a handgun or firearm were committed in 2013. Studies have shown that youth exposed to high levels of violence often become the victims and perpetrators of the violence, exhibiting the same psychological trauma as children growing up in urban war zones.

The vast majority of homicides and other violent crimes are concentrated in the south and west sides of the city, in predominantly African American and Latino communities that have high rates of poverty and unemployment. Seventy-five per cent of Chicago's 506 gun-death victims in 2012 were African-American or Latino. The City of Chicago as a whole has an extreme poverty rate of nearly 10 per cent, with more than 260,000 households living in extreme poverty (i.e. \$10,000 for a family of three in 2012). The high school graduation rate for black males in Chicago is 39 per cent and a staggering 92 per cent of all black males aged 16-19 were unemployed in 2012.

Chicago reportedly also has one of the highest gang populations in the United States, with more than 70,000 members spread across 59 active gangs and 625 different factions. While the targeting of gang leaders for arrest by law enforcement removed the leadership of many larger gangs, creating fragmentation, the demolition of public housing developments – the Robert Taylor Homes in 2007 and the Cabrini-Green projects in 2011 – led to the dispersion and further fragmentation of gangs across the city, and contributed to high levels of gun violence. As a way to address the crumbling developments, the city demolished the buildings and relocated its residents throughout the city as part of a larger plan to transform the city's 25,000 public housing units. However, tearing down the high-rise housing projects had the unfortunate consequence of scattering gang members throughout Chicago and into rival territory. It also further splintered their hierarchy into hundreds of independently functioning subgroups or factions. The disordered hierarchy of gangs has an impact on juveniles, who are increasing their criminal involvement and holding leadership positions within factions. This has allowed juveniles, typically between the ages of 15 and 17, to gain authority in their neighborhoods.

The gun violence by Chicago's gangs is often fueled by illegal guns coming in from outside of Illinois. Nearly 10,000 of the more than 17,000 guns recovered by the Chicago Police Department between January 1, 2008 and March 31, 2012 originated from states with more lenient gun ownership regulations than Illinois.

Gun violence impacts a range of human rights from the right to life, and security of the person, to the rights to education, freedom of movement and freedom from discrimination. All states have an obligation to respect, protect and fulfill all human rights, including the right to life and security of the person, and have a duty to take positive measures to prevent acts of violence and unlawful killings.

The City of Chicago has announced that it intends to cut violence in half by the year 2020. The One Summer Chicago program for example, led by the Chicago Department of Family and Support Services, aims to reduce violence during the summer by providing young people with summer jobs. However, the federal government must also take action, for example, by passing the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act") a bi-partisan bill aimed at implementing and funding evidence-based practices related to juvenile justice and criminal gang activity.²

CALL TO ACTION:

- ✓ Local, state and federal officials, in partnership with civil society and police, should develop community safety programs that promote practical ways of halting the violence arising from the proliferation and misuse of guns.
- ✓ Local, state and federal authorities and civil society organizations should mobilize official resources and community structures to address some of the social and economic roots of armed gang violence. Local, state and federal officials should ensure that any policy to curb gun violence also addresses issues of poverty, income inequality and unemployment, including implementation of the plan developed by the Illinois Commission on the Elimination of Poverty to eliminate extreme poverty by 2015.
- ✓ All federal legislators in Illinois should co-sponsor, and the US Congress should pass, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act") (H.R. 1381 and S. 1307), a bi-partisan bill that would fund, implement and evaluate evidence-based locally run youth and gang violence prevention and intervention programs, including in Chicago
- ✓ Local, state and federal officials should act with due diligence to prevent and investigate violent criminal acts which infringe the right to life, liberty, dignity and security of the person; bring to justice those responsible for such crimes; and take steps to curb the proliferation of guns in the community.

²As of March 2014, Senator Richard Durbin [D-IL] has co-sponsored S. 1307 however Sen. Mark Kirk [R-IL] has yet to do so. Rep. Danny Davis [D-IL-7]; Rep. Bobby Rush [D-IL-1]; Rep. Robin Kelly [D-IL-2]; Rep. Janice Schakowsky [D-IL-9] and Rep. Mike Quigley [D-IL-5] are co-sponsors of the bill (H.R.1318) however Rep. Daniel Lipinski [D-IL-3]; Rep. Luis Gutiérrez [D-IL-4]; Rep. Peter Roskam [R-IL-6]; Rep. Tammy Duckworth [D-IL-8]; Rep. Bradley Schneider [D-IL-10]; Rep. Bill Foster [D-IL-11]; Rep. William Enyart [D-IL-12]; Rep. Rodney Davis [R-IL-13]; Rep. Randy Hultgren [R-IL-14]; Rep. John Shimkus [R-IL-15]; Rep. Adam Kinzinger [R-IL-16]; Rep. Cheri Bustos [D-IL-17] and Rep. Aaron Schock [R-IL-18] have yet to do so.

- ✓ Local, state and federal officials should enact strict laws and procedures to control guns; reduce the quantity of surplus and illegal arms in circulation. Federal legislators in Illinois should co-sponsor, the US Congress should pass and the President should sign the Gun Trafficking Prevention Act.

3. ENSURE ALL CHILDREN RECEIVE ACCESS TO A QUALITY EDUCATION. ENSURE THAT THE RIGHTS TO LIFE, FREEDOM FROM DISCRIMINATION AND SECURITY OF THE PERSON ARE RESPECTED FOR ALL CHILDREN

“Rahm Emanuel [the Mayor of Chicago] is not caring about our schools. He’s not caring about our safety....He should be investing in these schools not closing them... Education is a right that is why we have to fight.”

Asean Johnson, aged 9, Marcus Garvey School, located on 103rd and Morgan speaking at a rally against the closure of elementary schools in Chicago in May 2013.



Protesters of Mayor Rahm Emanuel's plan to close dozens of city schools rally in the rotunda at the Illinois State Capitol Wednesday, May 22, 2013 in Springfield Ill. (AP Photo/Seth Perlman)

- In 2013, the City of Chicago closed **49 public elementary schools**, representing the largest school closures in the United States' history, encompassing **10 per cent** of all public schools in Chicago.
- The schools targeted for closure are predominately in African American communities. Nearly **30,000** students were impacted, over **80 per cent** of whom are African American.
- Due to the prevalence of gangs in many of these communities, students forced to walk greater distances to new schools face an increased risk of violence or even death, and have to use "safe passage" routes to get to school.

All children have the right to education, the right to life, to security and to be free from discrimination. However, thousands of children in Chicago recently saw their schools closed and have been placed at risk of violence or even death, by the need to attend new schools in areas controlled by rival gangs.

In March 2013, the City of Chicago announced the closure of **49 public elementary schools**. This represents the largest wave of school closures in US history, encompassing 10 per cent of all public schools in Chicago. The schools targeted for closure were predominately in African American communities. Nearly **30,000** students, over **80 per cent** of whom are African American, were affected by the closures. Due to the prevalence of gangs in many of these communities, students forced to go to new schools face an increased risk of violence and have to travel via "safe passage" routes. Safe passage routes are patrolled by approximately 1,200 unarmed workers, wearing neon vests, who have been trained to stand watch as students pass by. Since the implementation of the Safe Passage program, there have been reports of "shots fired," a sexual assault, and even other incidents where, because of a gang run-in, children were chased back to school after a fight broke out.

The school closures prompted the Midwest Coalition for Human Rights to make a submission to the United Nations Office of the High Commissioner on Human Rights, requesting an investigation to address the potential domestic and international human rights violations that could result from the school closings, including the rights to non-discrimination, life, security of the person, and education. Notwithstanding the concerns raised by human rights organizations, parents, students, teachers and community organizations, the Chicago Board of Education continued with school closures.

CALL TO ACTION:

- ✓ Local, state and federal officials should ensure that children enjoy their right to be protected from harm and discrimination, and that their access to education is not restricted. The "Safe Passage Routes" should continue to be adequately resourced to ensure that all children's right to life, security of the person are respected.

4. REVIEW AND REFORM THE CRIMINAL JUSTICE SYSTEM

"[W]idespread incarceration at the federal, state, and local levels is both ineffective unsustainable."

Attorney General Eric Holder, Annual Meeting of the American Bar Association's House of Delegates, August 12, 2013



Photo courtesy of Brasil2/Getty Images

- The United States accounts for **less than 5 per cent** of the world's population, but is responsible for **nearly 22 per cent** 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** black men in the United States will go to prison or jail if current trends continue;
- Illinois' prison population has nearly **quadrupled** over a thirty year period. **48,427** individuals were incarcerated in prisons in Illinois in 2011, compared to **12,996** in 1981.
- According to the Illinois Department of Corrections, 60 per cent of the prison population was African American or Hispanic during the 2012 Fiscal Year. These numbers are an inverse of the state's total population, which is 63 per cent white.
- According to a study by the National Institute of Health, communities in the near west and south central Chicago have rates of incarceration **eight** times higher or more than other parts of the city.

The U.S. prison population has grown by 500 per cent over a 30-year period. More than 2.2 million Americans are incarcerated today, giving the United States the highest total prison population and incarceration rate in the world. In Illinois, the prison population has nearly quadrupled over a 30-year period since 1981, when 12,996 prisoners were under jurisdiction of state or federal correctional facilities. Currently, Illinois' prison population stands at 48,427 prisoners under the jurisdiction of state or federal correctional facilities. The majority of those held in Illinois's correctional facilities are people of color. According to the Illinois Department of Corrections, 60 per cent of the prison population within the state was African American or Hispanic during the 2012 Fiscal Year. These numbers are an inverse of the racial demographics of the state's total population, which is 63 per cent white.

At the federal level, US Attorney General Eric Holder announced an initiative in 2013 to reform the federal criminal justice system, calling for changes to drug-related, mandatory minimum sentencing guidelines and diverting people convicted of low-level offenses to drug treatment and community service programs, while expanding a program to allow for the release of some elderly, non-violent offenders and certain inmates who are the only possible caregiver for their dependents.

In 2011, then Senator Jim Webb introduced the National Criminal Justice Commission Act, which if passed, would undertake a review of all areas of the criminal justice system, including state, local and tribal criminal justice practices and policies. Substantial and comprehensive reforms are needed to address mass incarceration; prison conditions; harsh mandatory minimum sentences; discriminatory profiling by law enforcement; excessive use of force by law enforcement, as well as racial and economic disparities that exist at every stage of the criminal justice system in the United States.

CALL TO ACTION:

- ✓ Federal legislators in Illinois should co-sponsor, the US Congress should pass, and the President should sign the National Criminal Justice Commission Act, which would conduct a comprehensive review of the U.S. criminal justice system and implement reforms that would address mass incarceration, prison conditions, capital punishment, harsh mandatory minimum sentences, discriminatory profiling by law enforcement, excessive use of force by law enforcement, as well as racial and economic disparities that exist at every stage of the criminal justice system.
- ✓ Illinois state legislators should undertake a comprehensive review of the state's criminal justice system policies and practices and implement reforms that would address mass incarceration, prison conditions, harsh mandatory minimum sentences, discriminatory profiling by law enforcement, unnecessary or excessive use of force by law enforcement, as well as racial and economic disparities that exist at every stage of the criminal justice system.

5. END RACIAL PROFILING



Photo courtesy of AP Photo/Scott Boehm.

CITY OF CHICAGO

- In June 2001, the Chicago City Council passed an ordinance which prohibits all officers, including private law enforcement agencies, from engaging in racial profiling.
- When Chicago police make an investigatory street stop or have a citizen encounter, but no arrest, they are required to fill out a "Contact Information Card" (contact card), a form that includes the age, address, race, time and location, and reason the stop occurred.
- Recently the use of contact cards has greatly expanded. In 2011, the Chicago Police Department (CPD) accrued **379,000** contact cards and in 2012, the total reached **516,500** cards. In the first 10 months of 2013, the CPD filled out more than **600,000** contact cards.
- Inadequate data collection related to contact cards is making it difficult to establish whether racial profiling is taking place. Information that has been disclosed to the American Civil Liberties Union (ACLU) and media outlets raises concerns and demonstrates a pressing need for improved data collection.
- The ACLU examined a sample of 207 contact cards from 2010 which involved a street stop, and concluded that just over half of those stops were legally justified. The ACLU also concluded that 10 per cent of the stops from the sample were clearly unjustified while an additional 33 per cent of the cards were filled out in a way that made it impossible for the ACLU to reach a conclusion about whether the stops was justified or not.

STATE OF ILLINOIS

- The State of Illinois has **failed** to pass a law prohibiting racial profiling by law enforcement agencies across the state.
- The State did pass a law that went into effect in 2004 which requires all law enforcement entities in the state to collect information regarding each traffic stop. This data collection requirement is due to **end in 2015**.

Racial and ethnic profiling in the United States has been documented by Amnesty International in the contexts of national security, immigration and policing. Racial or ethnic profiling occurs when the police use criteria such as skin color, language, religion, nationality or ethnic origin to identify individuals questioning or arrest with no reasonable or objective justification. While the City of Chicago and State of Illinois have taken some steps in addressing racial profiling, there is still more that can be done at the local and state levels, including enhanced data collection related to the use of “contact cards” by Chicago Police Department, and legislation to ensure protection against racial profiling at the state level.

Concerns have been raised regarding investigatory street stop and citizen encounters practices in Chicago, and how the lack of effective data collection makes it difficult to establish whether racial profiling is taking place. When Chicago police conduct an investigatory street stop, they are required to fill out a “contact card,” a form that includes the age, address, race, time and location, and reason the stop occurred.

Investigatory street stops are only authorized if the officer has a “reasonable suspicion” that the citizen is committing, is about to commit, or has committed a crime. The use of contact cards has recently expanded. In 2011, the Chicago Police Department (CPD) accrued 379,000 contact cards and in 2012, the total reached 516,500 cards. In the first 10 months of 2013, the CPD filled out more than 600,000 contact cards. Because of the information they contain, a rigorous analysis of contact cards could help establish whether CPD officers are engaging in racial profiling. However, the format of the contact cards makes them difficult to use for these purposes. While the Chicago City Council passed an ordinance in 2001 which prohibits all officers from engaging in racial profiling, the limited data that has been released to the ACLU indicates that there may be issues within the CPD regarding its use of investigatory street stops and citizen encounters. Reforms to the contact card system are needed to ensure proper data collection and analysis of these issues.

The State of Illinois has failed to pass a law prohibiting racial profiling by law enforcement agencies across the state. The State Legislature, however, did pass a law that went into effect in 2004 which requires all law enforcement entities in the state to collect specific information on each traffic stop that resulted in a citation. This legislation will, however, expire on January 1, 2015. A bill has been recently introduced in the Illinois legislature which will repeal the sunset provision of the data collection law and continue the ongoing data collection beyond that date. The data from across the state generated under this law has led to troubling findings about particular law enforcement agencies, notably the Illinois State Police. For instance, according to the latest data reviewed by the ACLU, Hispanic drivers are nearly 2½ times, and African Americans are more than 1½ times, more likely than white drivers to be asked by a state trooper for permission to search their cars. While Hispanic and African American motorists are more likely to be subjected to searches, white motorists are apparently more likely to be discovered with contraband. The ACLU’s long-range analysis of traffic stops, and the specific data for 2012, both demonstrate the need for the State of Illinois to pass legislation prohibiting racial profiling by all law enforcement agencies; such legislation must be complemented by adequate training, enforcement and monitoring procedures.

Until comprehensive anti-profiling legislation and effective documentation measures are in place in every state, including Illinois, many will continue to worry that their fundamental right to live without fear of racial, ethnic, or religious discrimination may be violated at any time by the very people who are charged to protect them.

CALL TO ACTION:

- ✓ The City of Chicago should reform the Chicago Police Department Contact Information System and create an effective database to allow for better oversight and accountability of potential racial profiling by CPD officers during stops of Chicago residents. These reforms should include, requiring all officers to fully document all sidewalk stops and frisks, including all facts supporting reasonable suspicion; require supervisory review of that documentation, including whether there was reasonable suspicion; create a database of all stop and frisk documentation which can automatically identify patterns that may raise human rights concerns; and, disclose this data to the public.
- ✓ The Illinois Legislature should introduce and pass legislation that bans the practice of racial profiling in all police interactions, requires officers to document data on stops, searches and arrests disaggregated by both race and gender, and creates a private right of action for victims of profiling.
- ✓ The Illinois Legislature should pass HB 4222, which will remove the January 1, 2015 sunset provision of its current racial profiling data collection statute.

6. ENSURE OVERSIGHT AND ACCOUNTABILITY FOR THE USE OF TASERS

Philip Coleman died after police twice used a Taser on him. He had been arrested on December 12, 2012, after Chicago police officers responded to a report that Coleman was beating his 69-year-old mother. According to police, when officers were taking Coleman from the District 5 police station to court the following day he “became combative” and a Taser was used “to gain control of the subject.” Coleman was then brought to the Roseland Community Hospital, where police used a Taser on him for a second time. According to police, “he became physically aggressive with hospital staff and accompanying CPS officers” and “reasonable force was employed, including a Taser deployment, to gain control of the offender.” Philip Coleman died at the hospital shortly before 6 p.m. on December 13. According to the medical examiner’s office, an autopsy was inconclusive and the cause of death was pending further investigation. Coleman’s family has filed a lawsuit for excessive use of force and the Independent Police Review Authority (IPRA) has initiated an investigation into the incident, which is still pending.



Public Safety officer with his Taser.

- At least **540** people in the United States have died since 2001 after being shocked with Tasers either during their arrest or while in jail.
- Among **334** cases of death reviewed between 2001 and 2008, **90 per cent** of those who died were **unarmed**.
- According to data collected by Amnesty International, between 2001 and 2012, Cook County has had **7** deaths following the use of a Taser, with **four** of those deaths attributed to Taser use by members of the Chicago Police Department.
- Statistics suggest Taser use is on the rise, including in Chicago, Illinois. In 2009, the Chicago Police Department expanded the deployment of Tasers to include beat officers. Chicago police were involved in **197** Taser incidents in 2009, but **857** incidents in 2011.
- The Independent Police Review Authority in Chicago is tasked with reviewing every incident in which a Taser was deployed, but has recently scaled back its review of Taser incidents.

Thousands of US law enforcement agencies use Tasers: dart-firing electro-shock projectile weapons, which can also be used close-up as stun guns. Tasers are among a class of weapon commonly described as “conducted energy devices” (CEDs). They work by delivering a high voltage, low current, electrical charge designed to disrupt the central nervous system and cause uncontrolled muscle contractions, temporarily incapacitating the subject. Amnesty International has serious concerns about the use of electro-shock devices in law enforcement, both as regards to their safety and potential for misuse.

At least 540 people in the United States have died since 2001 after being shocked with Tasers either during their arrest or while in jail. While most of the deaths have been attributed to other causes, medical examiners have listed Tasers as a cause or contributing factor in more than 60 deaths. In a number of cases, the exact cause of death is unknown. Some studies and medical experts have found that the risk of adverse effects from Taser shocks is higher in people who suffer from a heart condition or whose systems are compromised due to drug intoxication or after a struggle.

According to data collected by Amnesty International, between 2001 and 2012, there were 7 deaths following the use of a Taser in Cook County, with four of those deaths attributed to Taser use by members of the Chicago Police Department. Statistics from the City of Chicago's Independent Police Review Authority's (IRPA) reports suggest Taser use has been on the rise in Chicago since 2009. In 2009, the Chicago Police Department expanded the deployment of Tasers for its personnel to include beat officers. This change precipitated a vast increase in the number of incidents in which a Taser was used. Chicago police were involved in 197 Taser incidents in 2009, but that number rose to 857 incidents in 2011, before falling somewhat to 727 incidents in 2012 and 370 in 2013.

According to the CPD directive related to Tasers, an officer may deploy a Taser when confronted by an offender classified as an assailant or active resister and the officer can safely approach the subject to within the 18-foot effective range of the device. The directive does not provide further guidance on when an officer could or should use a Taser. The Independent Police Review Authority (IPRA) is tasked with reviewing every incident in which a Taser was deployed. However, the oversight agency has scaled back its review of Taser incidents after the sudden increase in the number of incidents in 2011. While the agency still collects and reviews police documentation of every Taser incident, deeper investigations are only triggered by allegations of misconduct, when minors or the elderly are involved or when a person is badly injured or killed.

Amnesty International believes that, as a “less lethal” alternative to firearms, lawful Taser deployment should be limited to situations where, in accordance with UN standards, officers are faced with an imminent threat of death or serious (potentially life-threatening) injury which cannot be contained by less extreme options. This would allow appropriately trained officers to deploy such weapons as a last resort at or just before the point at which they would otherwise be justified in resorting to firearms. The primary objective of the use of a Taser would be to protect lives and avoid unwarranted injury.

Illinois introduced and passed legislation in 2013 which requires training in the use of electronic control devices such as Tasers, including the psychological and physiological effects of the use of those devices on humans, to be included in the training of all probationary police officers. However Amnesty International believes that this legislation falls short of international standards, as it does not require such training for those officers currently equipped with Tasers. All training must ensure that police use Tasers only as a last resort, in proportion to the threat posed and in a manner designed to minimize pain or injury.

CALL TO ACTION:

- ✓ The Chicago Police Department should review and, if necessary, revise its training on the use of Tasers to limit their use exclusively to those incidents where officers are faced with an imminent threat of death or serious (potentially life-threatening) injury which cannot be contained by less extreme options. (See Amnesty International's 2008 report, "Less Than Lethal?" The Use of stun weapons in US law enforcement for specific recommendations on the use of Tasers and other CEDs).
- ✓ The Illinois legislature should pass legislation that requires the suspension of the use of Tasers by all law enforcement agencies until all law enforcement personnel currently equipped with such devices are properly trained and effective oversight mechanisms are established to ensure that arbitrary and abusive use of CEDs is prevented and punished. All training must ensure that police use Tasers only as a last resort, in proportion to the threat posed and in a manner designed to minimize pain or injury.
- ✓ The Independent Police Review Authority of Chicago should fully investigate every incident where a Taser is used by a Chicago Police Department officer to ensure that each use complies with use of force regulations.
- ✓ The Chicago City Council should ensure that the Independent Police Review Authority has enough funding to carry out its mandate, including the investigation of all incidents by CPD officers involving a Taser.

7. ELIMINATE THE USE OF PROLONGED AND INDEFINITE SOLITARY CONFINEMENT



In this Dec. 22, 2009 photo, a cell block is seen during a media tour of the Thomson Correctional Center in Thomson, Ill. (AP Photo/M. Spencer Green, File)

- Thousands of prisoners across the United States remain in prolonged or indefinite isolation confined to small cells for **22-24** hours a day, in conditions that can amount to torture or other cruel, inhuman or degrading treatment or punishment, in contravention of the USA's obligations under international law.
- In **2012**, Illinois Governor Quinn closed the Tamms Correctional Center. Tamms was a Closed Maximum Security Unit where every man was held in permanent solitary confinement for up to 23 hours a day in 7-by-12 foot cells.
- The Illinois legislature considered, but **failed** to pass, a bill that would have limited those who could be placed in solitary confinement, prohibited the placement of mentally ill prisoners in super-maximum facilities and required a review of all individuals held in isolation within 90 days of the law taking effect.
- In October **2012**, the Department of Justice purchased Thomson Correctional Center from the state of Illinois. The Federal Bureau of Prisons has indicated that it intends to use this facility as a super-maximum isolation facility.

The use of solitary confinement and the combined effects of the social and environmental deprivations imposed, particularly over a prolonged or indefinite period, can amount to torture or other cruel, inhuman and degrading treatment in violation of the United States' obligations under international law. The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has called on states to apply solitary confinement "only in exceptional circumstances and for the shortest possible period of time," and never in the case of children or people with mental disabilities. Furthermore, safeguards for prisoners placed in segregation must also be put in place, including regular monitoring and review of their mental and physical condition by qualified, independent medical personnel, and a meaningful opportunity for prisoners to challenge their confinement through a process of administrative review and through the courts.

The State of Illinois recently proposed a ban on the use of solitary confinement for juveniles, as part of a lawsuit that was filed against the Department of Juvenile Justice, which is still awaiting judicial approval. While implementation of the ban would demonstrate progress, further steps will still be required in order to bring the state into compliance with international law and standards on the use of solitary confinement.

CALL TO ACTION:

- ✓ The Illinois legislature should reintroduce legislation that would eliminate the use of prolonged and indefinite solitary confinement and ensure that it complies with international law and standards, including a complete ban on the use of solitary confinement for children and people with mental disabilities. (See Amnesty International's Submission on 'Reassessing solitary confinement - the human rights, fiscal, and public safety consequences': Hearing before the Senate Judiciary Subcommittee on the Constitution, Civil rights and Human Rights: 25 February 2014 for specific recommendations on what should be included in this legislation).
- ✓ Illinois federal legislators should take steps to ensure that the US Congress does not fund or designate as a super-maximum isolation facility the Thomson Correctional Center in Illinois.

8. END THE SENTENCING OF JUVENILES TO LIFE WITHOUT PAROLE

Jacqueline Montanez has spent more than half of her life in prison in Illinois, after being sentenced to life imprisonment without the possibility of parole for a crime committed when she was a child. Jacqueline was just 15 years old when she and two other girls shot and killed two members of a rival gang in 1992. Despite her age, Jacqueline was tried in an adult court where the only sentence available was life imprisonment without the possibility of parole. This meant that Jacqueline's young age, difficult childhood and history of abuse could not be taken into consideration when deciding her sentence.



Jacqueline Montanez was sentenced to life imprisonment without the possibility of parole in 1999. In this picture taken in 2009, she is with a service dog. She is the only woman in Illinois serving a life without parole sentence for a crime committed when she was a child.

- The United States is believed to stand alone in sentencing children to life without parole. Children can commit terrible crimes, and they should be held to account, but in a way that reflects their capacity for rehabilitation.
- At least **2,500** people in the United States in **38** states – including in Illinois – are serving life imprisonment without the possibility of parole for crimes committed when they were under **18** years old.
- The US Supreme Court prohibited imposing mandatory juvenile life without parole sentences in 2012 (*Miller v Alabama*). However, the Illinois legislature has yet to pass legislation prohibiting the sentence of mandatory life without parole for juveniles (JLWOP).

The United States is believed to stand alone in sentencing children to life without parole. Although several countries technically permit the practice, Amnesty International knows of no cases outside the US where such a sentence has been imposed in recent years. Children can commit terrible crimes, and they should be held to account, but in a way that reflects their capacity for rehabilitation.

At least **2,500** people in the United States in 38 states – including in Illinois – are serving life imprisonment without the possibility of parole for crimes committed when they were under 18 years old.

Recognition of the special attributes of children lie behind the international prohibition on the use of life without parole for anyone who was under 18 years old at the time of the crime, whatever the crime. The UN Convention on the Rights of the Child expressly prohibits life imprisonment without the possibility of release for crimes committed by people under 18 years old. All countries except the United States and Somalia have ratified the UN Convention on the Rights of the Child (CRC).

In 2010, the US Supreme Court prohibited imposing sentences of life without parole for juveniles convicted of crimes other than murder. And, in a 2012 case, *Miller v Alabama*, the Supreme Court outlawed mandatory life imprisonment without parole for juvenile offenders, relying on the Eighth Amendment's ban on cruel and unusual punishment. The Court ruled that mandatory sentencing prevents the ability to take into account the characteristics associated with children, including their "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking," their vulnerability to negative influences and pressures, and their particular capacity for change and development.

According to the Court at the time of the Miller ruling, 28 states and the federal government made life without parole sentences mandatory for some children convicted of murder in adult court. In 2013, a number of states revised their mandatory JLWOP laws including three states which entirely eliminated juvenile life without parole. However, Illinois is one of 8 states that have still failed to ban mandatory juvenile life without parole. While legislation to this end was introduced in Illinois in 2013, it has yet to pass.

Many states are also in the process of determining whether the *Miller* ruling applies retroactively to those who already received a sentence of mandatory JLWOP. The US Supreme Court was silent on this issue. However the US Department of Justice has taken the position that the ban applies to those previously sentenced, meaning that more than 2,000 individuals would be eligible for a new sentencing hearing. However, whether individuals actually receive a new hearing depends on where they live. Courts in Iowa, Mississippi, Michigan and Massachusetts have ruled that the ban is retroactive; the Minnesota Supreme Court has ruled that it is not. In March 2014, the Illinois Supreme Court issued an opinion that the ban applies retroactively and ordered the state to provide hearings to those who were sentenced to mandatory JLWOP to review their sentences in consideration of the characteristics set forth in the Miller case, including the youth of the offender.

Illinois should immediately ban the sentencing of juveniles to life without parole, and should ensure that individuals like Jacqueline receive sentencing review hearings as soon as practicable.

CALL TO ACTION:

- ✓ The Illinois legislature should pass legislation that would prohibit life without parole sentences for juveniles. In furtherance of this, Illinois Legislature should pass S.B. 1858 to bring its sentencing laws in compliance with the Supreme Court decision (*Miller v Alabama*) on mandatory juvenile life without parole.
- ✓ The State of Illinois should grant sentencing review hearings to all of those juveniles who were sentenced to life without parole.

9. ADVANCE IMMIGRANT HUMAN RIGHTS



A guard locks the gate to an immigrant detention facility.

- There are an estimated **450,000** undocumented immigrants in Illinois in 2012 with more than 11.7 million nationwide.
- Over **34,000** immigrants are detained every day in the United States, including at **three** facilities in Illinois in contravention of international law and standards.
- The state of Illinois has **three** detention facilities with contracts to hold immigration detainees for Immigration and Customs Enforcement (ICE): Jefferson County Justice Center, McHenry County Adult Correctional Facility, and Tri-County Detention Center.
- As many as **625** immigrants may be held between these three facilities on any given day.
- **Two** of these facilities, Jefferson and Tri-County, were identified as being among the top 3 centers for the worst treatment of immigration detainees in the Midwest, according to a report from Heartland Alliance National Immigrant Justice Center (NIJ) and Midwest Coalition for Human Rights.

Over 34,000 immigrants are detained every day in the United States, including at three facilities in Illinois, in contravention of international law and standards. Congress recently approved a detention budget for Immigration and Customs Enforcement to continue detaining this many immigrants on a daily basis in 2014, the costs of which amount to \$122 per detainee per day. The state of Illinois has three detention facilities with contracts to hold immigration detainees for Immigration and Customs Enforcement: Jefferson County Justice Center, McHenry County Adult Correctional Facility, and Tri-County Detention Center. As many as 625 immigrants may be held between these three facilities on any given day.

Immigration detention conditions frequently violate international law and standards, including in Illinois. Jefferson and Tri-County, were identified as being among the top 3 centers for the worst treatment of immigration detainees in the Midwest. According to a report from Heartland Alliance National Immigrant Justice Center and the Midwest Coalition for Human Rights in December 2011, 84 per cent of immigration detainees held at Tri-County did not have a lawyer, and reported widespread abuses including overcrowding, physical abuse and inadequate medical care. Despite noting several deficiencies in its inspection documents, ICE gave Tri-County a passing grade each year from 2008 through 2011.

All immigrants, irrespective of their legal status, have human rights, including the right to liberty and freedom from arbitrary detention. International standards, including instruments to which the United States is a party, contain a strong presumption against the detention of immigrants and asylum seekers. Detention should only be used as a measure of last resort; it must be justified in each individual case and be subject to judicial review. Detention is only appropriate when authorities can demonstrate in each individual case that it is necessary and proportionate to the objective being achieved and on grounds prescribed by law, and that alternatives (such as reporting requirements, bail or financial deposits) would not be effective. International law and standards also require that the conditions of detention are humane and that the human rights of detainees are respected. The human rights to which all immigrants are entitled while detained include protection against torture or other cruel, inhuman or degrading treatment; access to medical care; exercise; and the ability to communicate with the outside world, including consulates, attorneys and family. Amnesty International has documented numerous violations in the US immigration apprehension and detention system.

It is imperative that Congress passes immigration reform legislation that is based on human rights principles in order for the US to meet its obligations under international law and create an immigration system that respects the human rights of immigrants.

CALL TO ACTION:

- ✓ State and local officials in Illinois should rescind the contracts of any facility that detains immigrants for Immigration and Customs Enforcement that fails to meet international standards on administrative detention of immigrants and ICE detention standards. (See Jailed Without Justice: immigration detention in the USA by Amnesty International for specific recommendations on international standards on the administrative detention of immigrants).
- ✓ Federal legislators in Illinois should champion and the US Congress should pass Comprehensive Immigration Reform legislation that is based on human rights principles in order for the US to meet its obligations under international law and create an immigration system that respects the human rights of immigrants. Such legislation should protect undocumented immigrants from exploitation by traffickers and unscrupulous employers; create opportunities for immigrants to attain legal status in the United States; bolster oversight and accountability for the conduct of Immigration and Customs Enforcement officers; terminate state and local law enforcement programs and state laws purporting to enforce immigration standards; and provide families with avenues to be reunited or remain together.

10. ADVANCE HUMAN RIGHTS OF LGBTQI INDIVIDUALS AND COMMUNITIES

HATE CRIMES

- According to the most recent report published by the Chicago Police Department, which dates from 2011, 18 of 51 (35.3 per cent) of all hate crime investigations involved sexual orientation. This was an increase from 2010, when 14 of 46 (30.4 per cent) of all hate crime investigations involved sexual orientation.
- According to the Center on Halsted Anti-Violence Project, 23 per cent of reported survivors of hate violence identified as transgender, including the only homicides reported in 2012 – two young transgender women were murdered.
- The Municipal Code of Chicago (Muni-Code 2-120-518/8-4-085) currently only lists sexual orientation as a motivating bias for a hate crime and does not include gender identity.

POLICING

- Amnesty International's 2005 report, Stonewalled: police abuse and misconduct against lesbian, gay, bisexual and transgender people in the United States, focused on four cities, including Chicago.
- The mistreatment and abuse documented in the report included targeted and discriminatory enforcement of statutes against LGBTQI people, including so-called "quality of life" and morals regulations; profiling, particularly of transgender women as sex workers; verbal abuse; inappropriate pat-down and strip searches; failure to protect LGBTQI people in holding cells; inappropriate response or failure to respond to hate crimes or domestic abuse calls; sexual harassment and assault, including rape; and physical abuse that at times amounts to torture and ill-treatment.
- Amnesty International urges police departments throughout Illinois to review the recommendations and ensure that they are in compliance with international law and standards.

Every day, across the globe, people face discrimination, violence and imprisonment solely on account of their actual or perceived sexual orientation or gender identity. Discrimination on the basis of sexual orientation, whatever form it takes, contravenes the basic tenets of international human rights law. All people, regardless of their sexual orientation or gender identity, should be able to enjoy the full range of human rights, without exception.

The City of Chicago and State of Illinois have taken steps to recognize the rights of lesbian, gay, bi-sexual, transgender, queer and intersex (LGBTQI) individuals, including recent legislation recognizing marriage equality. However Chicago needs to undertake further measures to respect and protect the rights of the LGBTI community, including the following:

- Hate crimes: The State of Illinois has hate crime legislation that provides protection on the basis of both sexual orientation and gender identity. However, the City of Chicago's hate crime ordinance does not currently include protection based on gender-identity.
- Police: Amnesty International previously documented significant problems with policing of LGBTQI communities in Chicago (Stonewalled), and recommends that a comprehensive review of the recommendations be undertaken to ensure compliance with international law and standards.

In the United States, 29 states fail to protect people against being fired or turned away from employment based on sexual orientation, and 33 states fail to provide protection based on gender identity. While Illinois is one of the states that has demonstrated leadership and has employment protections based on sexual orientation and gender identity, federal legislators in Illinois should co-sponsor and champion passage of the federal Employment Non-Discrimination Act.

CALL TO ACTION:

- ✓ The Municipal Code of Chicago (§§2-120-518/8-4-085) should be amended to include gender identity as a motivating bias for a hate crime;
- ✓ Police Departments in Chicago and Illinois should review Amnesty International's recommendations on best practices for policing practices with regards to LGBTQI communities and ensure that their policies and procedures adhere to international law and standards. (See Stonewalled: police abuse and misconduct against lesbian, gay, bisexual and transgender people in the United States by Amnesty International for specific recommendations on best practices for policing practices with regards to LGBTQI communities).
- ✓ Federal legislators in Illinois should co-sponsor, the US Congress should pass, and the President should sign the Employment Non-Discrimination Act.

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