

District of Columbia, American Samoa, Puerto Rico, the United States Virgin Islands, Guam, and the Northern Marianas and notes that other U.S. dependencies include Wake Island (and Wilkes and Peale), Midway Islands, and various uninhabited atolls and islands in the Pacific region.

The section on the general framework for the protection of human rights includes information on the federal and state Constitutions, statutes, derogation and states of emergency, responsible authorities and remedies. In the United States, duly ratified treaties are the supreme law and equal with enacted federal statutes. Provisions of treaties may be displaced by federal law that is subsequently adopted to the extent of any inconsistency between the two.

#### **Economic, Social and Cultural Rights**

Signed: 5 October 1977.

#### **Civil and Political Rights**

Signed: 5 October 1977; ratified: 8 June 1992.

The second periodic report of the U.S. is due 7 September 1998.

*Reservations and Declarations:* Articles 7 and 20; 1 of article 15; paragraphs 2 (a) and (b) and 3 and of article 10; paragraph 4 of article 14; paragraph 1 of article 4; paragraph 5 of article 9; paragraphs 3 (b) and (d) and 6 of article 14; paragraph 3 of article 19; article 47; declaration under article 41.

#### **Racial Discrimination**

Signed: 28 September 1966; ratified: 21 October 1994.

The initial report of the U.S. was due 20 November 1995.

*Reservations and Declarations:* Articles 4 and 7; paragraph 1 and subparagraphs (1) (c) and (d) of article 2; subparagraphs (1) (c) and (d) of article 2 and articles 3 and article 5; article 22.

#### **Discrimination against Women**

Signed: 17 July 1980.

#### **Torture**

Signed: 18 April 1988; ratified: 21 October 1994.

The initial report of the U.S. was due 19 November 1995.

*Reservations and Declarations:* Articles 1, 3, 10, 11, 12, 13, 14 and 16; paragraph 1 of article 30; paragraph 1 of article 21.

#### **Rights of the Child**

Signed: 16 February 1995.

### **COMMISSION ON HUMAN RIGHTS**

At its 1997 session the Commission on Human Rights considered the situation in the United States under the confidential 1503 procedure. The Commission decided to discontinue consideration.

### **THEMATIC REPORTS**

#### ***Mechanisms of the Commission on Human Rights***

**Arbitrary detention, Working Group on:** (E/CN.4/1997/4, paras. 4, 7)

The report notes that two cases were transmitted to the government but no details of the cases were provided.

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, paras. 15, 16, 18, 22, 23, 28, 32, 35, 67, 83, 89, 90, 91; E/CN.4/1997/60/Add.1, paras. 543–551)

The report notes that the government invited the Special Rapporteur (SR) to visit.

As well, it notes that the SR sent 12 urgent appeals to the U.S. government on behalf of 14 people-concerning cases which involved the imposition of the death sentence. The appeals were sent in response to information indicating that the practice of capital punishment in the U.S. does not conform to a number of safeguards and guarantees contained in international instruments relating to the rights of those facing the death penalty. The imposition of the death penalty on mentally retarded persons, the lack of an adequate defence, the absence of obligatory appeals, and racial bias continue to be the main concerns of the SR. Four cases related to deaths reportedly caused by the police were also sent.

The report notes that the government's response to the urgent appeals took the form of a description of the legal safeguards provided to defendants in the United States in criminal cases and, in particular, those specific to death penalty cases. However, no substantive reply was received with respect to any of these cases.

The SR expressed deep concern that death sentences continue to be handed down after trials which are reported to fall short of the international guarantees for a fair trial, including lack of adequate defence during the trials and appeals procedures. An issue of special concern to the SR remain the imposition and application of the death penalty on persons reported to be mentally retarded or mentally ill, cases which were allegedly tainted by racial bias on the part of the judges or prosecution, and the non-mandatory nature of the appeals procedure after conviction in capital cases in some states.

#### **Independence of judges and lawyers, Special Rapporteur on the:** (E/CN.4/1997/32, paras. 17, 20, 180–181)

The report refers to the case of a judge of the Federal District Court of Manhattan and information indicating that the President and a U.S. Senator had called for his resignation and impeachment as a result of his ruling to suppress evidence in a drug-trafficking case. The Special Rapporteur (SR) expressed his concern that, if the reports were true, there would be executive intimidation of the independence of the judiciary. In reply, the government stated that at no time had the President called for the resignation of the judge. The President had only indicated that, if the U.S. Attorney did not challenge the judge's ruling, he was prepared to direct the Justice Department to appeal the decision. The SR concurred with the government's statement that the proper way for the Executive to contest judicial decisions with which it disagrees is to challenge them in the appellate courts. Nevertheless, the SR expressed the view that harsh, public criticism of a judicial decision by the Executive, particularly in the context of a politically charged environment — in this case, one in which prominent legislators and politicians were calling for the resignation of a judge who had rendered a controversial decision — can have a chilling effect on the independence and impartiality of the judiciary. The report noted that, when the judge subsequently reversed his decision, this raised concern in legal circles where some felt that the judge may have done a disservice to judicial independence by reversing his own decision under external pressure.