

Agenda

Civil Society Consultation for the U.S. Universal Periodic Review: Detroit, Michigan

April 7, 2010

Welcoming Remarks and Introduction

Peter Hammer, Wayne State University Law School

Panel I - Structural Racism: The Legacies of Discrimination Beyond Intent

Peter Hammer, Wayne State University Law School; Heaster Wheeler, Detroit NAACP; Freda Sampson, Michigan Round Table; Dr. Herbert Smitherman Wayne State University Medical School

Panel II - Travel and Immigration: Problems in Getting from Here to There

Professor Rachel Settlege, Wayne State University Law School; Betsy Kellman, Anti-Defamation League; Deborah Drennan, Freedom House Detroit

Panel III - Law Enforcement: The People and the State

Imad Hamad, American-Arab Anti-Discrimination Committee; Dawud Walid, Council American Islamic Relations; Nabih Ayad, Michigan Civil Rights Commission; Ron Scott, Detroit Coalition Against Police Brutality

Panel IV - Social Exclusion: Barriers to an Inclusive Community

Osama Siblani, Arab American News; Lisa Franklin, Warriors on Wheels; Bernadette Brown, Triangle Foundation; Dan Levy, Michigan Department on Civil Rights

Unaddressed Issues

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Five federal agencies participated in this UPR Session: the Department of State, the Department of Justice, the Equal Employment Opportunity Commission, the Department of Homeland Security and the Department of Health and Human Services were represented.

- **Panel I - Structural Racism: The Legacies of Discrimination Beyond Intent**

The moderator of the panel expressed a need for new theoretical frameworks to address structural racism. Furthermore, he stated that the International Convention on the Elimination of All Forms of Racial Discrimination is well suited to address structural issues, and the panel will elaborate on how the international system could do this. The first panelist stated that where someone lives should not determine access to opportunities but this is the case in Detroit. The second panelist expounded upon this idea, arguing that housing provides more than just shelter. She said that it is the location that matters; where you live determines where you get educated and treated for illness, how much money you earn, and whether you can retire comfortably. She also discussed how migration away from cities has resulted in increased taxes for poorer populations. She closed by expressing the need for transformative solutions which include rethinking race relations.

The next panelist focused on disparities as they relate to health. He stated that with the combined reduction in population and resources in Detroit, poverty has become concentrated. He also stated that Detroit has lost 60% of its primary care physicians, so people have no choice but to seek medical care at the hospital emergency room, which can be expensive. The panelist stated that social policies are very important in driving poor health outcomes, and in order to fix this, the linkage between income and health must be broken. He also stated that life expectancy can be predicted by looking at where someone lives, their income, and whether they went to high school. He argued that life expectancy should not be based on these factors.

During discussion period, one participant stated that unregulated internet and news agencies can spread hate without accountability. The next interlocutor discussed her concern that women of color fare worse than white women regarding rates of sexually transmitted diseases and unintended pregnancies. She recommended that the U.S. Government modify its policies to address these issues.

A representative from the Department of Justice asked participants what specific challenges Detroit faces with regard to structural racism. One interlocutor cited a lack of education, while another stated that segregated communities perpetuate discrimination. When asked how new health care law would impact the community, participants expressed concern that there are not enough health care facilities to treat the thousands of new patients the bill would cover.

- **Panel II - Travel and Immigration: Problems in Getting from Here to There**

The first panelist stated that U.S. immigration law and policy has mirrored racial biases in the country for decades. The panelist also discussed immigration after September 11th. Often, terrorist watchlists include the names of U.S. citizens, and he said that it is easy to get on the list, but almost impossible to be removed. He argued that while the watchlist system should remain in place, it is not functioning properly, and there is no interest in addressing its problems.

The next panelist discussed her organization's work with refugees and asylum seekers. She stated that there seems to exist a fear-based quota system in which individuals are stopped and asked for identification at any time. The next panelist expressed the need for more H-1 visas in order to create jobs. One major concern he discussed was with adjudication officers on the local level. This panelist argued that in order to have successful immigration reform, the debate should be framed in terms of job creation, due process, and the preservation of American principles.

During the discussion session, a representative shared a personal story about being profiled and handcuffed in an airport. After experiencing public humiliation and questioning, he was told that it was a case of mistaken identity. He said many people from his congregation face similar problems and that policies need to be changed and officers should receive better training and education. Detention was another issue that was discussed, and one interlocutor argued that if people are detained long enough, they become prone to extremism.

- **Panel III - Law Enforcement: The People and the State**

The session began with a discussion about how intelligence is gathered for national security purposes. The first panelist stated that the problem with collecting information is that there are two different standards: law enforcement guidelines and standards for confidential informants. He asserted that sometimes these individuals are not just asked to be informants, but are also asked to provoke people and influence organizations. The next panelist talked about what he perceived to be the encroachment of government on citizens and how citizen oversight of police is crucial. The next panelist, a local official, asserted that there is no one solution for the problem; however, one possible approach is to ensure diversity within the government. He stated that for the government to serve better, it should represent the communities it serves. Finally, the last panelist stated there must be a very wide net in order to get 1,000,000 people on terrorist watchlists. He said that the current intelligence approach is problematic, and he recommended that it be replaced with a law enforcement approach that would include a more factual list with checks in place.

During the discussion period, one interlocutor asked about the role of police in implementing immigration reform. Some participants expressed concern regarding what they perceived as ongoing challenges with the use of informants, since experience has suggested that many informants provide false information and therefore jeopardize the lives of others. On the

contrary, one interlocutor stated that what the public does not know is that informants sometimes help clear people when law enforcement is focused on the wrong person from the beginning. Although the city passed an anti-profiling ordinance, participants suggested establishing a similar statute for the entire state of Michigan. Another area of concern was the belief that individuals with only minor offenses can be deported, with limited remedies available to them. Other issues discussed included racial profiling, the role of the Department of Homeland Security, and Michigan's perceived lack of effective legal representation.

- **Panel IV- Social Exclusion: Barriers to an Inclusive Community**

The session began with a discussion concerning disability rights. A panelist argued that social exclusion stems from assumptions about a person based on outer appearances. She encouraged greater acceptance of people with disabilities, because only in this way can society move forward. The next panelist focused on rights of lesbian, gay, bisexual and transgender (LGBT) persons, and asserted that members of the LGBT community are discriminated against both in the state and in the country. She went on to discuss House Bill 4192, which would include protections against discrimination in housing and employment on the basis of sexual orientation and gender identity.

Hate crime laws were the next area of focus. While a panelist asserted that some people oppose hate crime laws because they claim it limits free speech, he stated his concern that there is a lack of willingness to accept any responsibility beyond specific, direct actions. He also mentioned other representational issues that had not yet been discussed during the day, such as access to education, voting discrimination against ex-felons, and Proposal 2, the civil rights initiative that prohibits discrimination by any public college or university.

The discussion session began with a member of civil society stating that a lack of adequate transportation in Michigan is a major challenge for people with disabilities. Another interlocutor said that abortion providers are subjected to constant harassment, and that hate crimes have also affected women who receive abortions, despite local officials attempting to make the community safer. She encouraged the Department of Justice to continue working with the community and local officials on this issue. Other areas of concern included the policy of "Don't Ask Don't Tell" in the U.S. military, criticism of the treatment of the Goldstone Report by the U.S. Government, and the need to educate people about racism and disabilities. A mayor from another city discussed the voting down of an amendment to a human rights ordinance that would have protected rights of LGBT persons.

- **Unaddressed Issues**

A wide variety of issues and concerns were raised here. The first commentator voiced a concern that the entire Arab community is criminalized because they are thought of as a terrorist network. Maternal healthcare was another area of concern. Regarding U.S. Citizenship and Immigration Services, participants argued that one of the major challenges is with reading and

writing, more specifically, with filling out forms and applications. These participants recommended putting instructions into a simpler format. The economic crisis and its impact on housing and foreclosures in the area was another serious concern of many attendees. The moderator closed the session by expressing his view that economic inequality has been emphasized due to the current economic crisis; however, the people of Detroit have been dealing with it for decades. He stressed the need to think about new ways to reach out to the grassroots level.