



The Global Initiative

for Economic, Social and Cultural Rights

**Parallel Report submitted by the
Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
to the Human Rights Committee
on the occasion of the consideration of the
Consideration of the List of Issues Prior to Reporting
related to
the United States of America
during the Committee's 125th Session**

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1. Introduction

1. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the GI-ESCR is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

2. This Parallel Report includes factual information relevant to the application of General Comment No. 36 on the right to life and in particular relevant to systemic

violations of Covenant rights related to homelessness, access to water, and access to health care.

2. Homelessness as a cause of premature mortality

3. Although the U.S economy has expanded for nearly a decade and unemployment is at record lows, over the past two years there has been an increase in homelessness. The Department of Housing and Urban Affairs (HUD) has reported a two per cent increase in homelessness during 2017 and a .03 per cent increase during 2018, however 2018 saw a two per cent increase in chronic homelessness. In absolute terms, according to HUD, in January 2018, almost 553,000 people were homeless on a single night. While the increases have been slight, the trend over the past two years indicates that economic growth is not translating into housing security for some of the most vulnerable.

9. Neither HUD nor the Center for Disease Control monitors deaths as a result from homelessness. However, homelessness exacts a heavy toll on individuals and the longer individuals experience homelessness, the more likely they are to experience poor health and be at higher risk for premature death.¹ For instance, a strep bacteria outbreak in Anchorage, Alaska infected 41 homeless individuals, three fatally, in late 2016 through last spring, according to the Alaska Department of Public Health. Unsanitary conditions led to a hepatitis A outbreak among the homeless community in San Diego and several other California cities last year, killing at least 21 people. Frigid winter weather has also resulted in death for homeless persons. During the winter of 2017 ó 2018, for example, four homeless persons died of hypothermia in Rapid City, South Dakota while eight died of hypothermia in Atlanta, Georgia according to the Atlanta Journal-Constitution. While these are just a few examples of specific causes of death among the homeless population in the U.S., it is estimated that 13,000 persons die annually as a result of homeless.²

4. What steps has the State Party taken to monitor health outcomes and mortality within the homeless population? What steps has the State Party taken to ensure that economic growth benefits the most marginalized and vulnerable communities and prioritizes their access to housing? What steps has the State Party taken to address the general conditions in society that prevent individuals from enjoying their right to life with dignity, including ending homelessness? What steps has the State Party taken to provide essential goods and services, including shelter, and what positive measures has it adopted including those related to social housing programs?

¹ Quigley, John M., et al., *Homelessness in California*, Public Policy Institute of California, 2001.

² See National Coalition for the Homeless, *Vulnerable to Hate: A Survey of Bias-Motivated Violence against People Experiencing Homelessness in 2016-2017* 9 (2018), https://nationalhomeless.org/wp-content/uploads/2018/12/hate-crimes-2016-17-final_for-web.pdf.

3. Mortality as a result of denial of access to safe and affordable water

5. Lack of access to safe and affordable water has reached crisis levels in several U.S. cities. For instance, Flint, Michigan the water provision that was provided from Detroit was disconnected and replaced by water provided from the Flint River. The caustic quality of that water resulted in lead leaching from the water infrastructure system resulting in approximately forty per cent of Flint households and three Flint Schools receiving water contaminated with high levels of lead. A study conducted by professors David Slusky and Daniel Grossman released in 2017 showed fertility rates decreased by 12 per cent among Flint women and fetal death rates increased by 58 per cent since the switch to the Flint River.³

6. Furthermore, the Flint water crisis has been linked to an outbreak of Legionnaires disease, a problem exacerbated by the State Government's failure to notify Flint residents of the dangers of consuming municipal water. Legionnaires disease is a severe form of pneumonia caused by waterborne bacteria known as legionella. That outbreak resulted in 90 people becoming ill and 12 deaths during 2014 and early 2015.

4. Denial of access to sanitation

7. Sanitation is essential to everyday functions such as urination and defecation. While the large majority of people across the United States flush and forget, many rural communities lack access to access to basic sanitation. In 2015, a total of 199,000 households were reported as having no wastewater system.⁴ Without a system in place to dispose of wastewater, individuals experience environmental contamination and health risks. Common health effects include hookworm and other tropical diseases that were thought to be eradicated in the United States.⁵ A lack of adequate sanitation also perpetuates cycles of poverty and marginalization through long-term negative impacts on health, education, and employment.

8. While the impacts of lack of access to sanitation are severe, there is insufficient demographic data on who has access to sanitation in the United States, and who is denied this basic right. National census data on sanitation has not been collected since 1990. For 1990, the data indicates stark disparities. For instance, in rural Alabama 11.1% of Black households lacked complete plumbing, compared to 1.2% of White

³ Daniel S. Grossman and David J.G. Slusky, *The Effect of an Increase in Lead in the Water System on Fertility and Birth Outcomes: The Case of Flint, Michigan*, Working Paper No. 17-25, West Virginia University, 2018.

⁴ See https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html#/NAV_1683946577_7?s_areas=a00000&s_year=n2015&s_tableName=Table4&s_byGroup1=a1&s_byGroup2=a1&s_filterGroup1=t1&s_filterGroup2=g1&s_show.

⁵ Peter J. Hotez, *Neglected Parasitic Infections and Poverty in the United States*, 2(6) PLoS NEGLECTED TROPICAL DISEASES 1 (2008), <http://journals.plos.org/plosntds/article?id=10.1371/journal.pntd.0000256>.

households.⁶ A 2016 county-level analysis found that individuals in communities made up of a majority of residents of color are more likely to report a lack of access to complete plumbing facilities.⁷ While current data is limited, research by NGOs and media demonstrate that lack of access to sanitation is a national problem driven by discrimination and inequalities.

9. The Human Rights Committee has called on the United States to abolish the criminalization of homelessness, noting that it raises concerns of discrimination and cruel, inhuman, or degrading treatment (arts. 2, 7, 9, 17, and 26) when life sustaining activities including urination and defecation are criminalized.⁸ In the recently adopted General Comment No. 36 on the Right to Life, the Committee states that “[t]he measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, [101] water, shelter, health-care, [102] electricity and sanitation [...]”⁹

10. What steps is the United States taking to (a) to collect and make public more comprehensive disaggregated data on access to sanitation services; (b) eliminate laws, policies, and practices that criminalize residents for failure to comply with sanitation regulations when cost and/or lack of ability to attain or install functioning wastewater systems are the barrier to compliance and to (c) to ensure sanitation for all households that is adequate and affordable for all on an equal basis regardless of race, color, origin, including through funding and other means?

Contact information:

Bret Thiele
Co-Executive Director
Global Initiative for Economic, Social and Cultural Rights
Email: Bret@globalinitiative-escr.org

⁶ <https://www.census.gov/prod/cen1990/ch2/ch-2-2.pdf>, pp. 30, 33.

⁷ Stephen P. Gasteyer et al., *Basics Inequality*, 13 DU BOIS REVIEW: SOCIAL SCIENCE RESEARCH ON RACE 305 (2016), available at <https://scholars.opb.msu.edu/en/publications/basics-inequality-race-and-access-to-complete-plumbing-facilities>.

⁸ Human Rights Committee, Concluding observations on the fourth periodic report of the United States of America, ¶ 19, UN Doc. CCPR/C/USA/CO4 (Apr. 23, 2014).

⁹ Human Rights Committee, General Comment No. 36, UN Doc. CCPR.C/GC/36, ¶ 26 (Oct. 30, 2018).