



## Media Statement

11 May 2010

### **Arizona: UN experts warn against “a disturbing legal pattern hostile to ethnic minorities and immigrants”**

GENEVA – A group of UN human rights experts\* expressed on Tuesday serious concern over laws recently enacted by the state of Arizona, United States of America, that affect minorities, indigenous people and immigrants and potentially subject them to discriminatory treatment.

“A disturbing pattern of legislative activity hostile to ethnic minorities and immigrants has been established with the adoption of an immigration law that may allow for police action targeting individuals on the basis of their perceived ethnic origin, and a law that suppresses school programs featuring the histories and cultures of ethnic minorities,” warned the UN experts on migrants, racism, minorities, indigenous people, education and cultural rights.

The Arizona immigration law requires state law enforcement officers to determine the immigration status of individuals based just on a “reasonable suspicion” that they are in the country illegally, and to arrest a person, without a warrant, if the officer has “probable cause” to believe the person is an illegal alien.

It also makes it a crime to be in the country illegally, punishable by up to six months in jail, and dictates that undocumented persons are guilty of trespassing. The immigration law specifically targets day laborers, making it a crime for an undocumented migrant to solicit work, and for any person to hire or seek to hire an undocumented migrant.

“The law may lead to detaining and subjecting to interrogation persons primarily on the basis of their perceived ethnic characteristics,” the UN independent experts noted. “In Arizona, persons who appear to be of Mexican, Latin American, or indigenous origin are especially at risk of being targeted under the law”.

The UN independent experts stressed that “legal experts differ on the potential effects of recent amendments to the immigration law that relate to the conditions for the official detention of suspected illegal aliens,” and expressed concern about the “vague standards and sweeping language of Arizona’s immigration law, which raise serious doubts about the law’s compatibility with relevant international human rights treaties to which the United States is a party.”

“States are required to respect and ensure the human rights of all persons subject to their jurisdiction, without discrimination,” they said. “Additionally, relevant international standards require that detention be used only as an exceptional measure, justified, narrowly tailored and proportional in each individual case, and that it be subject to judicial review.”

The immigration law was adopted around the same time as the enactment of a law prohibiting Arizona school programs that “are designed primarily for pupils of a particular ethnic group” or that “advocate ethnic solidarity instead of the treatment of pupils as individuals.”

The state superintendent of schools, the primary state official who promoted this legislation, has repeatedly stated that the law is aimed at eradicating particular existing ethnic studies programs that provide instruction featuring the history, social dynamics, and cultural patterns of Mexican-Americans in the United States.

The independent experts noted that “such law and attitude are at odds with the State’s responsibility to respect the right of everyone to have access to his or her own cultural and linguistic heritage and to participate in cultural life. Everyone has the right to seek and develop cultural knowledge and to know and understand his or her own culture and that of others through education and information.”

While the independent experts recognize the prerogatives of States to control immigration and to take appropriate measures to protect their borders, “these actions must be taken in accordance with fundamental principles of non-discrimination and humane treatment.” Furthermore, “States are obligated to not only eradicate racial discrimination, but also to promote a social and political environment conducive to respect for ethnic and cultural diversity”

The UN human rights experts urge the State of Arizona and the United States Government “to take all measures necessary to ensure that the immigration law is in line with international human rights standards and to devise and carry out any mechanism to control migration with due regard of the rights of people to be free from discrimination and to have access to their cultural heritage”.

“Every measure must be taken to promote maximum tolerance and appreciation for ethnic and cultural diversity in the educational system, to allow it to remain free from racial discrimination in any form,” stressed the independent experts.

(\*): The Special Rapporteur on the human rights of migrants, Jorge Bustamante; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, the Independent Expert in the field of cultural rights, Farida Shaheed, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, the Independent Expert on minority issues, Gay McDougall.

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*Check the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: <http://www2.ohchr.org/english/law/cmw.htm> and the International Convention on the Elimination of All Forms of Racial Discrimination: <http://www2.ohchr.org/english/law/cerd.htm>*

*Visit the Special Rapporteurs' websites:*

*Human rights of migrants:*

*<http://www2.ohchr.org/english/issues/migration/rapporteur/index.htm>*

*Contemporary forms of racism:*

*<http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>*

*Indigenous people: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/>*

*Cultural rights: [http://www2.ohchr.org/english/issues/cultural\\_rights/index.htm](http://www2.ohchr.org/english/issues/cultural_rights/index.htm).*

*Minority Issues: <http://www2.ohchr.org/english/issues/minorities/expert/index.htm>*

*Education: <http://www2.ohchr.org/english/issues/education/rapporteur/index.htm>*

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