

January 17, 2006

Mr. Santiago A. Canton, Executive Secretary

Inter-American Commission on Human Rights
Organization of American States
1889 F Street NW
Washington, DC 2006

Re: Request for hearing regarding human rights impact of Hurricanes Katrina and Rita

Dear Mr. Canton,

The undersigned submit this request for a thematic hearing during the 124th session of the Inter-American Commission on Human Rights (hereinafter, "Honorable Commission") to present the Honorable Commission with information about Hurricanes Katrina and Rita and the disasters' impact on the human rights of vulnerable groups living in affected areas in the United States.

In the absence of a coordinated response by government and relief agencies, natural disasters can expose their victims to violations of human rights. As was the case with the 2004 tsunami, the principal victims of natural disasters are often those especially at risk due to pre-existing vulnerabilities including the economically disadvantaged; minority groups; women and children; the elderly and infirm; undocumented and documented immigrants and refugees, among others. These groups may also face challenges in accessing aid and participating in rebuilding programs. As in the case of past disasters, the Gulf Coast hurricanes disproportionately affected marginalized groups. For the purposes of the requested hearing, we will focus on the disasters' impact on African-American and immigrant/refugee communities of the Gulf Coast.

Affecting over 90,000 square miles of Louisiana, Mississippi and Alabama, these recent hurricanes caused wide-scale devastation that resulted in the death of more than one thousand persons and the displacement of hundreds of thousands of Gulf Coast residents. The consequences of the hurricane on low-income, minority residents of the affected areas were especially disastrous. Historic discrimination, systematic poverty, and other human rights abuses put African American and immigrant/refugee communities at far greater risk of harm from the hurricanes. The impact of Hurricane Katrina was further compounded by the inadequacy and ineffectiveness of the government preparedness and response. Four months after the storms, marginalized communities continue to face challenges in accessing relief, rebuilding their lives and participating in the reconstruction of their communities.

Only days after Hurricane Katrina hit the Gulf Coast, U.S. President George Bush suspended application of the Davis Bacon Act which governs workers' pay on federal contracts as well as the employer sanctions provisions of the Immigration and Nationality Act that prohibit employers from knowingly hiring undocumented immigrant workers in

the hurricane-damaged areas. As rebuilding began, the demand for workers in the construction trades exploded. With more than \$62 million allocated by the federal government for reconstruction, federal contractors proceeded to hire workers at low wages and no benefits with little oversight or accountability. The work force includes residents of the affected areas but also thousands of Latino immigrants, many of whom are undocumented, who traveled or were brought to the area by false promises of high wages and good working conditions. In the absence of effective enforcement of existing labor laws, conditions are ripe for rampant abuse by contractors and subcontractors. Reconstruction workers report a litany of violations including widespread failure of employers to pay workers the wages due to them, to provide the most basic health and safety equipment and training, and to provide the required workers' compensation insurance for workers injured on the job. Moreover, there are reports of serious human rights violations of forced labor, indentured servitude, and physical and sexual abuse of workers in the Gulf Region.

The state response to Hurricanes Katrina and Rita has revealed deep social, economic and racial inequalities in the Gulf Region. Continued emergency intervention and long-term plans must protect the lives, health and safety, and general welfare of all populations without discrimination. International instruments, including the UN Guiding Principles on Internal Displacement and the Sphere Project's Humanitarian Charter and Minimum Standards in Disaster Response, provide both an authoritative normative framework to guide a human rights analysis of the deprivations resulting from these recent hurricanes and a yardstick to measure reconstruction policies.

In light of relevant human rights standards, participants will examine the following issues during the hearings:

- The failure of authorities to take into account pre-existing vulnerabilities of groups due to economic disadvantage, discrimination, legal status, age, as well as other factors in designing and implementing evacuation and relief plans that adequately protected life and human dignity of all without discrimination;
- The failure of authorities to provide equal access to humanitarian assistance to persons displaced by the Gulf Coast hurricanes and the discriminatory policies enacted by the federal government denying access to aid to sectors of immigrant and refugee communities;
- The failure of authorities to provide appropriate access to emergency assistance and other government services to Gulf Coast residents with limited-English proficiency;
- The abuses of worker's rights committed by federal contractors including widespread failure of employers to pay workers and egregious violations of health and safety standards;

- The failure of authorities to appropriately enforce labor laws by allocating adequate resources to monitor labor practices in the region to ensure oversight and accountability of government contractors and private actors; and
- The failure of government officials to consult with survivors and their communities about decisions regarding aid distribution and reconstruction plans;

Individuals participating in the hearing will rely on survivor and worker interviews and other documentation efforts to provide the Honorable Commission with detailed and up-to-date information. Participants may include:

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We respectfully request that the Honorable Commission, in addition to allotting sufficient time for presentations, consider allocating additional time to hear testimonials from hurricane survivors and reconstruction workers.

Additionally, we respectfully ask the Honorable Commission to allow the hearing to be public and to request the participation of the United States government. In particular, we consider that the presence of representatives from the following federal governmental agencies is critical given the issues the hearing will cover: the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) Department of Labor (DOL), the Occupational Safety and Health Administration (OSHA), the Army Corps of Engineers, and the Disaster Mortuary Operational Response Team (DMORT).

We thank the Honorable Commission in advance for its prompt attention to this matter. Please do not hesitate to contact Roxanna Altholz at the International Human Rights Law Clinic at (510) 643-8781 for additional information.

Sincerely,

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