

Presentation on Youth Issues to the Human Rights Committee
March 17 2006, United Nations, New York City
Presentation on behalf of Global Kids, Global Rights, National Economic and Social Rights Initiative, National Health Law Program

Good morning. My name is Joliz Cedeno. I am 21 years old and I work with Global Kids, a non-profit group that empowers urban youth to become local and global leaders. I am here today on behalf of several organizations to talk about the rights of young people to special protection and equality in education and healthcare guaranteed under Articles 2 and 24 to the ICCPR.

Segregation and funding inequities

In the United States, the quality of education a child receives varies by race and class. Poor and minority children are segregated in schools with fewer educational resources. This school segregation is largely the result of residential segregation, which has been fueled by federal housing policies that isolate poor and minority communities.¹ Because funding for schools is based largely on local property taxes, significant funding inequities exist because wealthier neighborhoods have a higher tax base. This disparity exists despite the limited and inadequate federal funding provided to low-income school districts under Title I.

Nationwide, for example, high-poverty schools on average receive \$907 less per student than low-poverty schools. Here in New York, the gap is as high as \$2,280 per student.²

Growing up, I attended schools in the South Bronx in New York and in Orlando, Florida. In Florida, I attended a school in a well-funded district. I went to class in a spacious room with a large television above the chalkboard, a few computers in the back, brand new textbooks on our desks, and a wall filled with books. There were a variety of classes to take, including music, choir, computers, art, astronomy and public speaking.

In the South Bronx in New York, I went to class in a room that was half the size with more students, not even our teacher had a computer at his desk, our windows had metal bars, our textbooks dated back to the 1980s and there were plenty of times in class when we had to wait while a student went to search for equipment that was shared by all the teachers on our floor. One year I had a teacher who would give us busy work while she slept in the back of the classroom.

These inequities have devastating consequences for children. For example, in 2001, the high school dropout rate in predominantly minority, high-poverty schools was 20 percent higher than in majority white schools nationwide.³

¹ Lyons, David. "Corrective Justice, Equal Opportunity, and the Legacy of Slavery and Jim Crow." *Boston University Law Review*. December, 2004. <http://academic.udayton.edu/race/02rights/repara36.htm>.

² *Funding Gap 2005: Most States Shortchange Poor and Minority Students*. A Special Report by the Education Trust, Winter 2005. <http://www2.edtrust.org/EdTrust/Press+Room/Funding+Gap+2005.htm>. Based on data from the US Census Bureau and the US Department of Education.

³ *The State of Opportunity in America*. The Opportunity Agenda. 2006. http://www.opportunityagenda.org/site/c.mwL5KkN0LvH/b.1405931/k.887C/State_of_Opportunity.htm. Based on data from the Civil Rights Project at Harvard University. www.civilrightsproject.harvard.edu.

The rights to special protection of the child and to equal treatment are clearly violated. Yet children are denied a remedy because under domestic law the US requires that government intent must be established to constitute discrimination.

We request that the Committee make a strong statement that the US should adopt the discriminatory effect standard under international law, and take appropriate steps to end the inequity in its funding system.

Zero-tolerance discipline

Low-income and minority students also face harsh discipline policies and law enforcement tactics in school. Young people are suspended, expelled and arrested for behavior ranging from school fights, to disrupting class. For example, in Florida a 14 year-old girl was arrested and charged with battery for pouring milk on the head of a classmate. In North Carolina, a high school student was criminally charged for cursing in front of a teacher.⁴ The use of metal detectors, security cameras and police officers makes schools feel like prisons.

These harsh policies take students away from learning, push many into the juvenile justice system and disproportionately target minority youth. In 2002, for example, African Americans received 36% of suspensions nation-wide, but made up only 17% of the student population.⁵ In Denver, Colorado, a city where police officers are used to patrol schools, Latino students were given tickets and referred to court by police at seven times the rate of white students.⁶

Working in New York City schools, I have seen how a lot of these supposed discipline and security measures discourage students from learning. For example, schools use metal detectors to scan students as they enter the building. As a result, thousands of students have to wait on long lines to be scanned and prodded just to enter. With such long lines, many students arrive late to class and are listed as absent. When enough absences add up, students fail their classes regardless of how much work they have done. As a result, students can begin to feel hopeless, and wonder why it is worthwhile for them to show up in school at all. Instead of feeling safe within school, students feel discouraged and criminalized.

These policies are the result of federal and state legislation, as well as local school district regulations. We urge the Committee to call on the US government to limit the use of these policies, and to employ more positive forms of discipline.

Healthcare and Medicaid

Many poor children also face barriers in access to healthcare. Medicaid is the largest payer of health care for poor children in the U.S., providing care to over 25 million who would otherwise have *no* health insurance.

⁴ *Education on Lockdown: The Schoolhouse to Jailhouse Track*. Advancement Project. March 2005.

⁵ *2002 Elementary and Secondary School Survey*, Office for Civil Rights, U.S. Department of Education. Projected national data based on a survey of school districts across the country

⁶ *Education on Lockdown: The Schoolhouse to Jailhouse Track*. Advancement Project. March 2005.

The enactment of the Deficit Reduction Act of 2005, however, cuts \$28.3 million dollars from Medicaid funding over the next 10 years. The Congressional Budget Office reports that 60% of those who will be cut from Medicaid by 2015 are children. Now, the President recommends an additional \$13.6 *billion* dollars to be cut from Medicaid and the State Children's Health Insurance Program over the next 5 years.

And yet the US government submits to the United Nations that it provides health care coverage to America's children "free of charge if necessary." This is just not true. Currently over 11% of children have no access to health insurance.⁷ The U.S. government bears no shame in making our weakest, poorest children shoulder our mounting debts. Passage of the Deficit Reduction Act is a violation to the ICCPR and children's right to health.

We urge the committee to hold the US accountable for protecting the rights of youth and thank you for your time.

⁷ National Coalition on Healthcare. <http://www.nchc.org/facts/coverage.shtml>. Based on DeNavas-Walt, C., B. Proctor, and R. J. Mills. *Income, Poverty, and Health Insurance Coverage in the United States: 2003*. U.S. Census Bureau. August 2004.