



**Statement by the American Civil Liberties Union (ACLU) to the
UN Human Rights Council 30th Session
September 18, 2016**

Mr. President:

The ACLU welcomes the new [report](#) (HRC/30/19) of the High Commissioner for Human Rights on the human rights implications of over-incarceration and over-crowding, and wholly support its recommendations. We also applaud the Human Rights Council for bringing global attention to this acute issue.

While the overuse of imprisonment is a problem of endemic proportions around the world, the United States has earned the disturbing distinction of being the world's leading jailer. Representing just 5 percent of the world's population, it now holds 25 percent of its prisoners. The "tough on crime" politics of the 1980s and 1990s fueled an explosion in incarceration rates.

The human rights violations inherent in the system of mass incarceration in the United States play out on a number of fronts: from racial disparities in arrests, convictions, and sentencing; to draconian sentences mandating that non-violent offenders serve the rest of their lives behind prison walls; to the heightened impact of incarceration on vulnerable populations such as children and people with mental disabilities.

Legislators across the United States are realizing that America's addiction to incarceration is unsustainable, costing taxpayers billions of dollars while doing little to reduce crime rates. Important recent state criminal justice reforms have included allowing parole for elderly prisoners, reducing criminal penalties for drug crimes, decriminalizing or legalizing marijuana, raising the threshold of misconduct for what constitutes a felony, using non-prison sanctions for technical violations of probation and parole, and eliminating mandatory minimum sentencing. As a result, numerous states, including New York, New Jersey, Michigan, and California, have significantly reduced their prison populations in the last several years.

We have also seen that reform efforts that invest in crime prevention and rehabilitation efforts can work: behavioral therapy, intensive treatment for mental health and substance abuse, and preventive programs can deliver crime reduction without destroying lives and families. We can invest in better options and make it explicit in the criminal code that solutions are favored over incarceration and reward law enforcement and other service providers who focus on alternatives to detention.

These measures represent significant progress toward enhancing human rights protections for millions of Americans under correctional control. More needs to be done. The Office of the High Commissioner's new report provides a human rights-based approach to over-incarceration that can serve as a blueprint for implementing meaningful criminal justice reform in the United States.