**FOLLOW-UP FACTSHEET OF REPORT No. 98/03**

 **CASE 11.204**

**STATEHOOD SOLIDARITY COMMITTEE**

 **(United States)**

1. **Summary of Case**

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| **Victim (s):** Statehood Solidarity Committee**Petitioner (s):** Statehood Solidarity Committee**State:** United States**Merits Report No.:** [98/03](http://cidh.org/annualrep/2003eng/USA.11204.htm), published on December 29, 2003**Admissibility Report:** Analyzed in the Merits Report No. 98/03 **Themes:** Domestic Effects / Right to Equal Protection / Right to Participate in Government. **Facts:** This case refers to the fact that, as a consequence of Article 1, paragraph 8 of the U.S. Constitution and the Act of Congress that created the District of Columbia in 1801, the citizens of the District of Columbia lack effective representation in the U.S. Congress, given that they are not represented in the U.S Senate nor by a member with effective vote in the House of Representatives. While citizens of the District of Columbia are permitted to elect a member of the House of Representatives, that member cannot cast a deciding vote in respect of any of the matters coming before the House. This is in contrast to the residents of States in the United States, who have the right under the U.S. Constitution to elect members of both the Senate and the House of Representatives. **Rights violated:** The Commission concluded that the State was responsible for violations of the petitioners’ rights under Articles II and XX of the American Declaration by denying them an effective opportunity to participate in their federal legislature. |

1. **Recommendations**

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| **Recommendations** | **State of compliance in 2020** |
| 1. Provide the petitioners with an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to the petitioners the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature. | Pending compliance |

1. **Procedural Activity**
2. In 2020, the IACHR requested updated information on compliance from the State on August 18. The State presented said information on September 16.
3. In 2020 the IACHR requested updated information on compliance from the petitioners on August 18, and they presented said information on September 15, 2020.
4. **Analysis of the information presented**
5. The Commission considers that the information presented by the State in 2020 is irrelevant to update the following up of this case, given that it repeats the information presented in previous years and it does not refer to measures taken recently regarding compliance with at least one of the recommendations issued in Merits Report No. 98/03.
6. The Commission considers that the information presented by the petitioners in 2020 is relevant given that it refers to the measures adopted in regard with the recommendation issued in Merits Report No. 98/03.
7. **Analysis of compliance with the recommendations**
8. **With regards to the only recommendation**,in 2015, the State reiterated that it declines the recommendations of the Commission.[[1]](#footnote-1) In 2019, the State reiterated its position without submitting any new information about steps taken to comply with this recommendation.
9. In 2015, the petitioners reported that the State had still not adopted the necessary measures to comply with the recommendations of the IACHR and to guarantee the right of the residents of the District of Columbia to participate in the national legislature. The petitioners indicated that the State had not provided U.S. citizens who live in the District of Columbia the fundamental right to equal representation in the House of Representatives and the Senate.[[2]](#footnote-2) This state of the affairs was reported again in 2019 by the petitioners, who asserted that the State has consistently rejected recognizing the conclusions and accepting the recommendations of the IACHR relating to the case, refusing to guarantee the 700,000 United States citizens residing in the District of Columbia the right to political participation and equal representation.
10. In 2020, the petitioners informed that, during the past 17 years, the United States have failed to guarantee the right of the citizens of the District of Columbia to equal representation in politics. They reiterated that, during all this time, the United States government has persistently ignored the recommendations made by the IACHR in the Merits Report No. 98/03, as well as other recommendations issued by other international bodies such as the United Nations Human Rights Committee. They added that, during 2020, and for the first time in its history, the United States’ House of Representatives -led by a democratic majority- pushed for a discussion and approval of a law that would undertake the recommendations made by the IACHR to recognize the right of the citizens of the District of Columbia to have political representatives in both chambers of the American Congress. However, the petitioners inform that such legislation was not discussed by the Senate.
11. The Commission would like to remind that the American Declaration is recognized as a source of legal obligations to the Member States of the Organization of American States, particularly including those States that are not part of the American Convention on Human Rights.[[3]](#footnote-3) As per Article 31(1) of the Vienna Convention on the Law of Treaties, the Member States must adopt good faith efforts to comply with recommendations made by international bodies of supervision such as the Commission.[[4]](#footnote-4) In this respect, the IACHR welcomes the news about an initiative approved by the House of Representatives to recognize the right to political equality of the citizens of the District of Columbia. However, it is also aware that such approval is one among the many steps that could be taken to advance on the legislative process that would led to the comprehensive recognition of this right. In this regard, the IACHR considers that Recommendation 1 is still pending compliance.
12. **Level of compliance of the case**
13. Based on the foregoing, the Commission concludes that the level of compliance with the case is pending. Consequently, the Commission will continue to monitor compliance with Recommendation 1.
14. The Commission urges the State to adopt actions to implement the recommendation issued in Merits Report No. 98/03 and to provide it with detailed and up to date information about these actions. At the same time, the IACHR invites the petitioners to present information about measures adopted by the State to comply with the Commission’s recommendation.
15. **Individual and structural results of the case**
16. Given that this case is pending compliance, there are no individual or structural results which have been informed by the parties.
1. IACHR, 2017 Annual Report, [Chapter II, Section F: Status of compliance with the recommendations of the IACHR and friendly settlements of the IACHR](http://www.oas.org/en/iachr/docs/annual/2017/docs/IA2017cap.2-en.pdf), para. 2149. [↑](#footnote-ref-1)
2. IACHR, 2017 Annual Report, [Chapter II, Section F: Status of compliance with the recommendations of the IACHR and friendly settlements of the IACHR](http://www.oas.org/en/iachr/docs/annual/2017/docs/IA2017cap.2-en.pdf), para. 2148. [↑](#footnote-ref-2)
3. IACourtHR, [Consultive Opinion OC-10/89 Interpretation of de Declaration of the Rights and Duties of Man, in the context of Article 64 of the American Convention on Human Rights,](https://www.corteidh.or.cr/docs/opiniones/seriea_10_ing1.pdf) July 14, 1989, Ser. A No. 10 (1989), parr. 35-45 [↑](#footnote-ref-3)
4. IACHR, [Case 12.873, Merits Report No. 44/144, Edgar Tamayo Arias (United States)](https://www.oas.org/en/iachr/decisions/2014/USPU12873EN.pdf), parr. 214; IACHR, [Case 12.626, Merits Report No. 80/11, Jessica Lenaban (Gonzales) and others (United States)](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiLqYHqsqvuAhUxU98KHf4UBzYQFjAAegQIAhAC&url=https%3A%2F%2Fwww.oas.org%2Fen%2Fiachr%2Fdecisions%2F2011%2FUSPU12626EN.DOC&usg=AOvVaw0gFsZpzEuak8WrUU4CafjN), parr. 115-120; IACHR, [Towards the Closure of Guantanamo](http://www.oas.org/en/iachr/reports/pdfs/Towards-Closure-Guantanamo.pdf), 2015, parrs. 16-23; IACHR, [Case 12.586, Merits Report No. 78/11, John Doe and others (Canada),](http://www.oas.org/en/iachr/decisions/2011/CAPU12586EN.doc) parrs. 129-131. [↑](#footnote-ref-4)