

Chronology of Major Events in the International Human Rights Campaign on Behalf of Equal Rights for the People of Washington, D.C.

by Timothy Cooper

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* April 1, 1993—The Statehood Solidarity Committee, comprised of 23 residents from all eight wards of Washington, D.C., files a human rights petition with the Organization of American States' (OAS) Inter-American Commission on Human Rights, charging the U.S. government with violations of article 2 and 20 of the American Declaration of the Rights and Duties of Man (ADRDM). The ADRDM defines the fundamental human rights OAS member states are obligated to guarantee their own citizens under provisions of the OAS Charter. The Commission calls the Statehood Solidarity Committee within a week of receiving the petition to ask that it request a hearing on the case.

Article 2 of the American Declaration states that "All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor. "

Article 20 of the American Declaration states that " Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free."

* October 4, 1993—First hearing is held before the OAS's Inter-American Commission on Human Rights in Washington, D.C. on the question of the admissibility and merits of the petition. The U.S. government is represented at the hearing by the U.S. Department of State. The case is described by the Chairman of the Commission, Oliver Hamlet Jackman from Barbadoes, as a " patate calient " or "hot potato." After the hearing, the case is formally opened for investigation by the Commission on the grounds that de facto human rights violations are taking place in Washington, D.C.

* February 3, 1995—Second hearing is held before the OAS's Inter-American Commission on Human Rights in Washington, D.C. on the question of admissibility and merits of the case. The U.S. government is represented at the hearing by the U.S. Department of State. The case remains officially open and under active investigation by the Commission on the question of admissibility and the merits of the case.

* March 30, 1995—Statehood Solidarity Committee delivers an oral intervention before the UN Human Rights Committee in New York , charging the US government with human rights violations under article 25 and 26 of the UN International Covenant on Civil and Political Rights (ICCPR) . The US government delegation, presenting its compliance report under the terms of the ICCPR, is questioned by a UN Human Rights Committee member Cecilia Medina Quiroga human rights expert from Chile about the status of the disenfranchisement of D.C. residents on the floor of the United Nations for the first time in history. The US Assistant Secretary of State for Human Rights, Democracy and Labor, John Shattuck, is forced to defend the disenfranchised status of the people of Washington , D.C. before the UN Human Rights Committee . The UN Human Rights Committee member notes that the US delegation has failed to state why the residents of Washington , D.C. are disenfranchised.

Article 25 of the ICCPR states that "Every citizen shall have the right and the opportunity, without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

Article 26 of the ICCPR states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ."

* July, 1 1995—Statehood Solidarity Committee meets with the UN High Commissioner for Human Rights, Jose Ayala-Lasso, in Washington , D.C. to discuss the continuing disenfranchisement of the people of Washington , D.C.

* April, 1996—UN Human Rights Committee issues General Comment 25 , which defines the Committee's interpretation of what constitutes political participation under the terms of article 25 of the ICCPR. The Committee's definition of political participation under article 25 places the US government's policy toward the people of Washington , DC in direct violation of the article 25 of the ICCPR. General Comment 25 addresses the question of limitations on the denial of the right to vote and declares that the right to vote may only be denied in certain

rare exceptions, such as mental incapacity.

UN General Comment 25 states that, "Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures, as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant."

UN General Comment 25 asserts that "The conduct of public [affairs](#) is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. The allocations of powers and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws."

UN General Comment 25 declares that, "Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power." and that "[n]o distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political, national or social origin, property, birth or other status.

UN General Comment 25 also states that "Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria. The exercise of these rights by citizens may not be suspended or excluded on grounds which are established by law and which are objective and reasonable. For example, established mental incapacity may be a ground for denying a person the right to vote or to hold office."

* April 4, 1999—Vice-Chair of the UN Commission on Human Rights , Francisco Aguillar of Costa Rica, and former Chair of the UN Human Rights Committee, in New York, who heard oral arguments by the Statehood Solidarity Committee in New York in 1995, unofficially states to Timothy Cooper of Statehood Solidarity Committee in Geneva, Switzerland, that the status of the people of Washington, D.C. constitutes a violation of the ICCPR.

* August 6, 2001—Under the UN accreditation of the World Organization Against Torture, Democracy First presents written and oral arguments to the UN Commission on the Elimination of Racial Discrimination in Geneva, Switzerland, claiming that the status of Washingtonians violates article 2 and 5 of the UN Covenant on the Elimination of All Forms of Racial Discrimination. Two human rights experts from the UN Commission on the Elimination of Racial Discrimination, Gabriele Britz of Germany and Mario Jorge Yutzis of Chile, question the US government, which is presenting its compliance report under the UN Covenant on the Elimination of Racial Discrimination, about the justification for the continuing denial of voting rights to the people of Washingtonian. The US Assistant Attorney for Civil Rights of the US Department of Justice is forced to defend the US government's policy before the UN Committee, claiming that the people of Washington can elect a mayor, a city council, vote for a non-voting delegate in the House and for president. UN Commission member Mario Jorge Yutzis expresses deep dissatisfaction with the U.S. government's defense.

Article 1 of the Convention stipulates that "The term 'racial discrimination' shall mean any distinction, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Article 5 of the Convention provides that "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its form and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(c) Political rights, in particular the rights to participate in elections-- to vote and to stand for election-- on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service."

* October 15, 2001—The Inter-American Commission on Human Rights adopted Report 115/01, setting forth its analysis of the record, findings and recommendations in Statehood Solidarity Committee's case before the Commission on the question of the admissibility and merits. The Commission transmitted its Report to the United States government

on October 19, 2001, with a request that the State provide information as to the measures it has taken to comply with the recommendations set forth in the report within a period of two months.

* April 14, 2002- Under the UN accreditation of the International Human Rights Law Group, Democracy First delivers an oral intervention on behalf of the people of Washington , D.C. before the UN Commission on Human Rights in Geneva , Switzerland -the world's premiere human rights body.

* September 9, 2002—Democracy First delivers its first intervention at the plenary session of the Human Dimension Implementation Meeting of the Organization for Security and Cooperation in Europe (OSCE) in Warsaw , Poland , claiming that the status of the people of Washington , D.C. violates the democratic election standards under articles 5.9, 6 and 7.3 of the 1990 Copenhagen Document . The Republic of Belarus ambassador expresses surprise at the status of the people of Washington , D.C. before the world body. The German ambassador unofficially queries the US OSCE ambassador about the status of Washingtonians. Democracy First files its first set of written recommendations with the OSCE. The recommendations call on the US government to abide by its OSCE democratic election commitments and pass such domestic legislation as may be necessary to bring the US into compliance with OSCE standards.

The ambassador-at-large for Foreign Affairs of the Republic of Belarus states that Belarus will support Democracy First's recommendations at the OSCE Permanent Council Meeting in Vienna , Austria and at the OSCE Ministerial Council meeting in Porto , Portugal.

In light of the continuing denial of equal voting representation to 570,000 residents of the capital city of the United States of America in their national legislature, recognizing that the right to representation may not be limited or restricted in an arbitrary manner, and appreciating the fact that the OSCE human dimension commitments are matters of direct and legitimate concern to all participating States, we recommend that the United States of America adopts such legislation as may be necessary to bring its domestic law into conformity with its OSCE human dimension commitments under articles 6 and 7.3 of the 1990 Copenhagen Document.

The OSCE should establish an ad hoc mission of experts under the Moscow Mechanism to assist in the resolution of this human dimension problem, should the OSCE determine it requires further information regarding the disenfranchised status of the people of Washington ,

D.C. prior to making the above recommendation.

* September 18, 2002—Democracy First delivers second intervention to the Democratic Election Standards Workshop of the Human Dimension Implementation Meeting of the OSCE. The US government is forced to defend its policy toward the people of Washington , D.C. by making an "unscheduled" intervention. The US government claims the people of Washington have a "voice" in the US Congress.

* September 19, 2002—Democracy First delivers its third intervention to the Re-enforced Closing Plenary Session of the Human Dimension Implementation Meeting of the OSCE, challenging the US government's position and rebutting its position that a "voice" in the House of Representatives constitutes a "vote" in both Houses of Congress.

Article 5.9 of OSCE Democratic Election Standards states that " All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground."

Article 6 of OSCE Democratic Elections Standards states that "The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes."

Article 7.3 of OSCE Democratic Election Standards states that "To ensure that the will of the people serves as the basis of the authority of government, the participating States will guarantee universal and equal suffrage to adult citizens."

* October 10, 2002—Inter-American Commission on Human Rights votes to release its unanimous, confidential decision in Report 115/01, together with its recommendations, to the United States and to the petitioners. It is signed by all five of the sitting Commissioners: Juan E. Mendez, President; Marta Altolaguirre, First Vicepresident; Julio Prado Vallejo, Clare K. Roberts and Susan Villaran, Commissioners. The Commission, however, fails to transmit Report to Petitioners as stipulated.

* December 6, 2002—OSCE Ministerial Council convenes in Porto , Portugal . Unofficially , a representative of the Denmark-EU delegation acknowledges that the status of the people of Washington , DC constitutes "a problem" under OSCE democratic election standards

and urges Democracy First to press OSCE's Office of Democratic Institutions and Human Rights (ODIHR) to investigate the matter. Representative of the Republic of Belarus reaffirms its earlier intention to support Democracy First's Warsaw recommendation at the Permanent Council meeting in Vienna, Austria, scheduled for mid-January, 2003. First Deputy of ODIHR recommends that the issue of the disenfranchisement of the people of Washington be brought before the OSCE Parliamentary Assembly.

* October 24, 2003—Second Vice-President Jose Zalaquett adopted a dissenting opinion in the case, which was presented on October 24, 2003.

* October 29, 2003—Inter-American Commission on Human Rights transmits Report No. 54/02 to the Petitioners and the United States Government. The Commission "requests information from the Government and the Petitioners within one month on compliance by the Government of the United States with the Commission's recommendations.

* January 6, 2004—Inter-American Commission on Human Rights transmits final Report 98/03 in Case 11.204, Statehood Solidarity Committee v. United States of America, informing Petitioners that on December 29, 2003, the Commission decided to publish its final report.

* February 11, 2004—Worldrights Releases OAS Decision in DC Voting Rights Case.

* March 16, 2004- Worldrights Launches "The Whole World Is Watching Campaign," Letters, translated into Russian, French, Spanish, and Portuguese, are sent to over 60 OSCE Vienna Missions, Eurasian Foreign Ministries, 33 OAS Embassies in Washington, DC, the US Helsinki Commission, Amnesty International, Human Rights Watch and Human Rights First, informing them of the OAS decision and requesting interventions. Copies of the decision were also sent. E-mails detailing the findings and recommendations of the decision were also sent to over 500 international diplomatic missions worldwide.

* October 4, 2004 and October 12, 2004—Worldrights delivers intervention on DC Voting Rights issue before the OSCE Human Dimension Implementation Meeting in Warsaw, Poland.

* October 21, 2004—Mr. Viktor Gaisenak, Permanent Representative of the Republic of Belarus to the OSCE, issues a statement on the denial of DC voting rights at the OSCE Permanent Council in Vienna, Austria: "[w]e are compelled to note that today basic international obligations regarding elections are being violated in the United

States, including the principles and commitments contained in the OSCE Copenhagen Document of 1990. In particular, there is a failure to observe such fundamental principles as the equality of everyone before the law, the right to participate in the government of one's own country through representatives elected during the electoral process, and guaranteed universal and equal suffrage for adult citizens. some 600,000 citizens of Washington, District of Columbia, do not have any opportunity whatsoever to choose their representatives to the principal legislative body of the country - the Congress of the United States of America."

* October 22, 2004—Worldrights , DC residents and DC delegate Eleanor Holmes Norton hold an extensive briefing for Ambassador Stephen Nash, the Deputy Head of Mission for the OSCE Election Observation Mission to the United States in Washington , DC on the matter of the disenfranchisement of DC residents.

* October 28, 2004—Mr. Paul W. Jones Deputy Chief of United States Mission to the OSCE, exercises the US Government's Right of Reply, attempting to counter Belarus ' criticisms by referring "to the supposed disenfranchisement of voters in the District of Columbia ."

* November 2, 2004—Republic of Belarus introduces first-ever human rights resolution in the Third Committee of the 59 th Session of the UN General Assembly against the United States on the "Situation of Democracy and Human Rights in the United States of America ." The draft resolution highlights the case of the denial of equal Congressional voting rights to the people of Washington , DC . The UN resolution urges that the United States "[t]o take the necessary steps in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights as well as with respect to the recommendations made by the Inter-American Commission on Human Rights, and grant the residents of Washington D.C. an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature." The resolution also points out, among other things, that "the United States of America is a member of the Organization of American States (OAS) and is obliged to observe the human rights standards under the OAS Charter." and that the "OAS Inter-American Commission on Human Rights on December 29, 2003 decided that the denial of equal participation by the residents of Washington D.C. in their own national legislature by duly elected representatives constituted violations of provisions of the American Declaration of the Rights and Duties of Man.."

* November 4, 2004—OSCE/ODIHR Election Observation Mission to the United States issue Preliminary report on US presidential election and states " The OSCE/ODIHR will issue a comprehensive final report which will address certain issues not included in this statement, including candidate ballot access, open voting by fax and the restricted representation in Congress of residents of the District of Columbia."

* March 31, 2005—OSCE/ODIHR issues its final report on US presidential elections, including a statement on the absence of equal voting right for Washingtonians: " The U.S. constitutional framework grants full representation and voting rights in elections for federal office to US citizens, who are also citizens of individual states. However, to varying degrees, these rights are limited for citizens of other U.S. jurisdictions, such as Washington D.C.. Ensuring equal voter rights is a fundamental OSCE commitment."

* July 5, 2005—Over 270 parliamentarians from the OSCE Parliamentary Assembly (PA) gathered in Washington , DC for its annual meeting pass unanimously a resolution calling for equal congressional voting rights for Washingtonians. The resolution " calls on the Congress of the United States to adopt such legislation as may be necessary to grant the residents of Washington , D.C. equal voting rights in their national legislature in accordance with its human dimension commitments." The OSCE PA resolution language was written by Worldrights.

* May 26, 2006—Worldrights filed legal brief with the United Nations Committee on Human Rights in Geneva in response to the Second and Third Periodic Report of the United States of America challenging the legality of the disenfranchisement of 550,000 residents of the District of Columbia under the International Covenant on Civil and Political Rights (ICCPR).

* June 28, 2006—Worldrights met with Belgian Foreign Minister Karel De Gucht, Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) in Washington at the U.S. Commission on Security and Cooperation in Europe (U.S. Helsinki Commission). As Chairman-in-Office of the OSCE, Minister Karel De Gucht agreed to "look into the matter" of the congressional disenfranchisement of District of Columbia residents.

* July 10, 2006—Worldrights appears before the U.N. Human Rights Committee in Geneva at its 2379th session and petitioned the Committee to issue recommendations in support of full and equal congressional voting rights for the 550,000 residents of the District of Columbia.

* July 28, 2006—U.N. Human Rights Committee issues its Concluding Observations and Recommendations, and calls for full representation for the residents of Washington, DC., noting that "The Committee . . . remains concerned that residents of the District of Columbia do not enjoy full representation in Congress, a restriction which does not seem to be compatible with article 25 of the covenant."

The Committee directed the United States to ensure District residents have a vote in Congress "in particular with regard to the House of Representatives."

* March 9, 2007—The Organization for Security and Cooperation in Europe's (O.S.C.E.) Office of Democratic Institutions and Human Rights (ODIHR), in a major report released on the 2006 mid-term U.S. congressional elections, concludes that the U.S. Government violates D.C. citizens' basic political rights, as well as those U.S. citizens living in the territories, by denying them full representation in the U.S. Congress.

The O.S.C.E. report states, among other things, that "U.S. citizens who are not citizens of one of the fifty states are not able to vote for members of Congress who have the right to vote on the floor....These restrictions exist even though such U.S. citizens are subject to U.S. federal law and pay federal taxes.... It is...estimated that in Washington D.C. alone, without including U.S. citizens of U.S. territories, up to half a million U.S. citizens are not permitted to vote in federal elections for full congressional representation. As these citizens are subject to U.S. laws, including taxation, the denial of full representation, as underscored by the Constitution and Supreme Court decisions, would appear to be a limitation of voting rights."

The O.S.C.E. recommends that "U.S. authorities should consider all possibilities to provide full representation rights for all U.S. citizens" --which means representation in both the U.S. House of Representatives and the U.S. Senate, a requirement that would not be satisfied by the DC Voting Rights Act (HR 328) currently before Congress.

* June, 2007—Worldrights met with Ms. Louise Arbour, UN High Commissioner for Human Rights, in Washington, DC to discuss, among other things, the issue of the continuing congressional disenfranchisement of DC residents. Worldrights noted to Ms. Arbour that all relevant international human rights bodies charged with responsibility for monitoring U.S. compliance with its international

treaty obligations have now determined that the denial of full congressional voting rights to DC residents constitutes international human rights violations.

* March 13, 2009—OSCE/ODIHR Limited Election Observation Mission Final Report on US 2008 General Election recommends that “Consideration should be given for providing full representation rights in Congress for all US citizens, including those of Washington DC and US territories.”

*March 28, 2009 Timothy Cooper outlines Customary International Law Legal Strategy to Win Equal Rights for D.C. Citizens at University of the District of Columbia Law School Symposium

*April 10, 2010, Worldrights Files Report with U.N. Human Rights Council under Universal Periodic Review; calls on Council to Recommend US Grant DC Citizens Equal Voting Rights in Congress

* May 21, 2010, UDC Law Review announces intention to publish “The District of Columbia v. the Fifty States,” in early Fall, 2010, Timothy Cooper’s legal theory for winning equal DC political rights with the application of customary international law before the US Supreme Court.

* May 23-27—OSCE Needs Assessment Report on US 2010 Mid-term Elections again cites US for Failing to Provide DC Residents with Full Congressional Voting Rights.

Timothy Cooper was the executive director of the Statehood Solidarity Committee and Democracy First, and currently is the executive director of Worldrights. Mr. Cooper has led all of the international initiatives on behalf of DC voting rights before numerous international human rights bodies. These include the Organization for American States' Inter-American Commission on Human Rights, the Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights, the OSCE's Parliamentary Assembly, and the U.N. Human Rights Committee. He was also the legal architect of the OAS petition and the advocacy work before the OSCE and the United Nations.