

EXECUTIVE SUMMARY

1. As long as the United States maintains the death penalty, exonerations from death row will continue to occur. As of 1 April 2025, the Death Penalty Information Center has recorded 200 instances across the United States in which individuals were exonerated after being wrongfully convicted and sentenced to death since 1973.¹ That figure equates to one wrongful conviction for every 8.3 executions carried out during that period.²
2. While the death penalty is still legal in the United States, the rate of exonerations is concerning, so much so that the U.S. Supreme Court has expressed concern that “a disturbing number of inmates on death row have been exonerated.”³
3. The UN Human Rights Committee recently shared this concern, expressing “concern[] at reports of a high number of persons wrongly sentenced to death and at the lack of compensation, or the inadequate compensation, provided to persons who are wrongfully convicted in retentionist states.”⁴
4. In a day-one Executive Order, “Restoring the Death Penalty and Protecting Public Safety,” the current administration signaled that it intends to resume federal executions and even increase their frequency, ordering the U.S. Attorney General to “pursue the death penalty for all crimes of a severity demanding its use” and to “take all necessary and lawful action to ensure that each state that allows capital punishment has a sufficient supply of drugs needed to carry out lethal injection.”⁵ With this increase in the pursuit of the death penalty and executions, it is likely that the number of exonerations and number of people wrongfully executed will continue to rise.
5. Exoneration typically marks not the end, but only the beginning of human rights violations for death row exonerees. Most exonerated survivors of death row leave prison with no money, housing, or reliable social supports, and they receive little or no financial compensation in the ensuing years.⁶ State and federal authorities provide little help to these survivors once they are released. Most states provide more social services to ex-offenders than to people who have been exonerated. Rather than receiving financial and compensation, social services, and health care, death row exonerees experience governmental neglect.
6. This report incorporates first-hand information from death row exonerees (with their permission) about the human rights violations they have experienced in the United States.

I. The United States fails to uphold its obligations under International Law to Protect the Health and Well-Being of Death Row Exonerees.

Right to health and health care; Access to health care

Status of Implementation: Partially Supported; Partially Implemented

7. In its third-cycle Universal Periodic Review (UPR) in 2020, the United States supported 15 of 21 recommendations relating to healthcare, which are also applicable to death row exonerees. These recommendations include protecting expanded and equitable access to health care, taking further measures to make health-care services accessible to vulnerable people not supported by the current health system, and ensuring access to health care, drugs, and treatment to all segments of society.⁷ The United States specifically recognized “the policy goal of improving access to quality, affordable healthcare.”⁸

8. The United States' efforts, however, have not furthered the health and well-being of death row exonerees, who remain in desperate need of assistance due to debilitating effects of their wrongful conviction and incarceration. Since the third-cycle UPR in 2020, some state governments have enacted laws providing for compensation for death row exonerees, but federal authorities have not taken any steps to assist this marginalized class.

Physical Health

9. Death row exonerees typically spend between 9.55 and 13.84 years on death row before exoneration, with significant variations correlated with the exoneree's race.⁹ During this prolonged incarceration, access to adequate medical care is alarmingly deficient. The absence of basic healthcare services often results in severe, long-term consequences for exonerees, affecting both their physical well-being and mental health.
10. Exonerees frequently report that "medical care" on death row is often limited to aspirin, purchased from their own funds, to treat a wide range of medical conditions, such as migraines, influenza, back problems, and knee injuries.¹⁰ Prison authorities systematically deny people access to specialists for basic medical treatment.¹¹ One exoneree reported that the death row prison officials refused access to basic dental services, forcing him to extract his own tooth.¹² Another exoneree reported that she had a severe tonsil infection that death row officials refused to treat, and she obtained care only after her family leveraged the media to pressure officials to act.¹³ As a consequence of denial of basic healthcare, many death row exonerees leave incarceration with severe and chronic medical issues.
11. Untreated health issues can have devastating long-term effects. For example, one death row exoneree suffers from persistent dental problems due to a lack of proper treatment while imprisoned.¹⁴ Another exoneree remains completely bedridden due to inadequate medical care for a chronic illness while on death row.¹⁵ Furthermore, "pre-existing conditions" that are the consequence of the absence of health care while incarcerated can affect eligibility for federal health insurance.
12. Death row exonerees do not have any guaranteed access to healthcare upon release. Some states' exoneration compensation statutes provide healthcare for exonerees,¹⁶ but others do not. Medical issues can impede an exoneree's ability to work as well as her or his ability to pay rent. One exoneree shared that after enduring years on death row, his muscles had deteriorated such that he was unable to resume work as a landscaper. It took nearly a year of dedicated effort to regain his physical fitness and rebuild his strength.¹⁷ Another exoneree lost employment and was nearly evicted due to ongoing health issues resulting from incarceration.¹⁸

Mental Health

13. Research shows that people on death row face much harsher conditions than other people in detention, including but not limited to extended solitary confinement.¹⁹ Prolonged solitary confinement has been proven to cause psychosocial disorders, including severe anxiety, depression, and hallucinations.²⁰ The mental strain is so severe that the term "death row syndrome" refers to a spectrum of extreme anxiety, to disassociation, to full-blown psychosis.²¹

14. Mental health challenges do not disappear upon exoneration. Living conditions on death row result in a high incidence of Post-Traumatic Stress Disorder (PTSD) or even continuing-traumatic stress, where the trauma continues after exoneration through the “continued insistence on their guilt by system officials, exclusion from resources that could assist them with reintegration, inattention to their needs, and failure even to recognize the injustice they have experienced or the depth of the injury.”²²
15. Many survivors of death row have ongoing struggles with PTSD, anger, paranoia, anxiety, and acute drug and alcohol dependence.²³ One exoneree reported that trauma from incarceration developed into agoraphobia.²⁴ One exoneree, 28 years after release, still has nightmares related to incarceration.²⁵ A review of anonymous submissions by exonerees to the United Nations revealed that all reporting individuals who were asked about physical and psychological effects from their time on death row reported suffering from PTSD and/or other mental or physical trauma.²⁶
16. Many exonerees struggle for years to regain the ability to trust others. One exoneree said it took her a full decade to trust anyone or open up about her experience on death row.²⁷ As a result, many survivors have difficulty forming and maintaining healthy interpersonal relationships.²⁸
17. Chronic physical and mental health problems arising out of years on death row and lack of access to care after release can also impede survivors’ ability enjoy the right to work and the right to housing.

Right to work; right to an adequate standard of living

Status of Implementation: Partially Supported; Not Implemented

18. In its third-cycle UPR, the United States received numerous recommendations regarding the right to work and the right to an adequate standard of living, and death row exonerees face unique challenges in realizing both rights. The United States supported twenty-three recommendations, including considering the ratification of core human rights treaties such as the Convention on the Rights of Persons with Disabilities (the U.S. Social Security Administration classifies PTSD as a disability by for benefits purposes²⁹ and the International Covenant on Economic, Social and Cultural Rights.³⁰
19. People exonerated from death row often face insurmountable barriers when attempting to rejoin the workforce. These survivors reenter society unemployed and without any training or education during their incarceration that would assist them in securing employment.³¹ The stigma of false accusations, wrongful conviction, and often protracted incarceration can be a barrier to securing employment, resulting in financial hardships and even homelessness. In many cases, the wrongful conviction remains on the exoneree’s criminal record, impeding their chances of securing a job when employers conduct background checks.³² PTSD and other trauma can be additional barriers to securing and maintaining employment.³³
20. For individuals who were lawfully convicted, serve out their terms, and are released into the community, state and local governments provide reentry assistance, including employment services.³⁴ But no local, state, or federal government agency provides assistance to exonerated death row survivors to help them obtain vocational training or secure employment.

21. One exoneree reported being unable to find employment of any kind due to the stigma associated with his wrongful conviction and the nature of the crime for which he was wrongfully convicted. This stigma was particularly pervasive because in his hometown, there was a great deal of publicity about the details of this individual's trial and conviction. Moreover, the law enforcement and other government officials that had wrongfully convicted and incarcerated this individual never publicly admitted any wrongdoing, which further perpetuated his stigmatization even after release. Due to this stigma, this individual was unable to find employment of any kind. Prospective employers told this individual, for example, that women were afraid to work with him. Unable to find a job, this individual had to resort to attempting to start a business of his own.³⁵
22. Another exoneree reported being "black balled" by her community and therefore unable to secure employment for approximately 15 years. Despite exoneration, authorities had failed to clear her criminal record, which continued to show the felony conviction nearly two decades later. Unable to afford legal counsel, she could not begin the process to expunge her record until 15 years after release, and it took an additional five years for the government to expunge the wrongful conviction.³⁶
23. Another exoneree likewise could not obtain employment in the medical field due to his existing criminal record. After receiving education and training in therapy, this individual was informed that no hospital would hire him due to his criminal record, which still showed a capital murder conviction. More than two decades after his release, this individual has never been able to work in his field of expertise due to the long shadow of his inaccurate criminal record.³⁷
24. Another exoneree similarly reported being unable to find a job due to his criminal record and stigma associated with his wrongful conviction. Nearly 30 years after exoneration, this individual still has a criminal record.³⁸

Right to adequate housing

Status of Implementation: Partially Supported; Not Implemented

25. In the third-cycle UPR, the United States supported two of three recommendations regarding the right to adequate housing—applicable to people who have been exonerated from death row—including further enhancing activities toward reduction of homelessness among vulnerable groups and developing strategies for addressing housing problems of marginalized communities.³⁹
26. Exonerees are often unable to find stable housing after release. These individuals often leave prison with few or no possessions and no financial means to secure safe and stable housing. Housing is critical to successful reentry as it is typically a necessary first step to securing employment and integrating into a community.
27. Affordable housing in the United States is already in short supply, and stigma coupled with lack of expungement of criminal records often create an insurmountable barrier to securing stable housing.⁴⁰ Even if exonerees can afford housing, landlords are often unwilling to rent to them.⁴¹ Landlords may refuse housing to exonerees due to perceived safety risks and the possibility of losing other tenants.⁴²

28. State and local governments provide social services to individuals returning to the community after being released from incarceration. Throughout the United States, many state and local governments provide supportive housing programs and other resources to formerly incarcerated individuals.⁴³ These programs, however, are not available to exonerees, even though they face the very same barriers to reentry.
29. One exoneree reported being released from prison in his orange death row jumpsuit and sandals with no prospects of safe and stable housing. After devoting all his financial resources to paying defense counsel, this individual returned to his hometown with no ability to afford any type of housing. With no financial resources and being unable to find employment due to the stigma, this individual soon became homeless, living in an abandoned car.⁴⁴
30. Another exoneree reported having to sell his house to pay legal fees. Unable to afford stable housing upon release, this individual had to rely on the generosity of a family member to provide safe and stable housing. Other exonerees likewise reported having to live with family as they had no other options.⁴⁵

Access to justice & remedy; Right to an effective remedy

Status of Implementation: Supported; Not Implemented

31. In the third-cycle UPR, the United States supported twelve recommendations regarding the right to access to justice and remedy, including adopting further measures to ensure human rights without discrimination, measures to combat structural discrimination, and the continuation of efforts to combat racism and discrimination against minorities and to protect vulnerable groups.⁴⁶ All of these recommendations are highly relevant to the lived experiences of people who have been sentenced to death and subsequently exonerated.
32. Most exonerees leave death row and never receive any financial compensation from the state or federal government. At the federal level, an exoneree must prove their innocence in order to obtain any compensation. To do so, the exoneree must have a “not guilty” finding of the presiding court or other proof that they “did not commit any of the acts charged.”⁴⁷ As of 2021, only two of the 118 federal exonerees listed in the National Registry of Exonerations—which lists every known exoneration in the United States since 1989 (i.e., it is not limited to death row exonerations)—had been awarded any compensation under the federal statute.⁴⁸
33. State-convicted death row exonerees fare no better. While 39 U.S. states and Washington D.C. have enacted compensation statutes for death row exonerees,⁴⁹ these statutes often require specific evidence for eligibility and thereby exclude, or otherwise limit access to, compensation for death row exonerees. For example, in the state of Colorado, exonerees are permitted to file a petition to receive monetary compensation⁵⁰; to obtain such compensation, however, the exoneree must obtain a Colorado district court’s determination that the exoneree is “actually innocent.”⁵¹ “Actual innocence,” as defined by the state’s code, requires “clear and convincing evidence” of innocence, and a court may not find “actual innocence” merely because the “evidence [is] legally insufficient” to support a criminal conviction.⁵² In other words, the “clear and convincing evidence” of innocence standard is much more onerous for an exoneree to satisfy than the “reasonable doubt” standard a defendant benefits from at trial.

34. Hence, a person who was wrongfully convicted, sentenced to death, incarcerated, and who served time on death row for a crime they did not commit may either be ineligible for compensation under a state compensation statute, or may face too many obstacles, including lack of financial support or lack of access to litigation counsel, to obtain this compensation.
35. Although the coauthors have been unable to find data specific to death row exonerees, a 2019 study of 1,572 wrongfully convicted and incarcerated exonerees living in states with compensation statutes found that only 828 exonerees (less than 53%) filed compensation claims.⁵³ Of those 828 claims, only 609, or about 73.5% were granted, despite exoneration and release.⁵⁴ And in the end only 38.7% of wrongfully convicted and incarcerated individuals who were exonerated received any compensation.⁵⁵
36. One exoneree simply laughed at the prospect of obtaining compensation from the State of Alabama because to do so he would not only need to prove his innocence,⁵⁶ but would also have to have the funds to make that fight possible.⁵⁷
37. Although the prospect of receiving compensation for wrongful conviction and wrongful incarceration on death row is remote, people who ultimately receive compensation can face unintended consequences. Financial compensation can affect the exoneree's eligibility for government benefits, such as Medicaid or Medicare health care assistance. Some state compensation statutes include specific language excluding compensation payments as income,⁵⁸ but others do not. One exoneree reported that when she secured compensation 17 years after her release, she no longer qualified for federal assistance, including food stamps or housing assistance.⁵⁹
38. In addition to the barriers to receiving financial compensation for their wrongful conviction and incarceration, death row survivors also receive no benefits from the U.S. Social Security program upon release because they were not allowed to pay into the program while incarcerated. With the average death row exoneree spending 11.5 years behind bars,⁶⁰ this exclusion greatly diminishes retirement savings for exonerees.

II. Recommendations

39. This stakeholder report suggests the following recommendations for the Government of the United States of America:
- Commit to prompt and full implementation of the Human Rights Committee's 2023 recommendations regarding death row exonerees.⁶¹
 - Enact legislation to mandate that people on death row receive the same healthcare as people in the general prison population.
 - Enact legislation to mandate that death row exonerees receive housing, employment, health insurance, and healthcare benefits and services that are at least equal to existing probation and parole programs provided to formerly incarcerated individuals who served prison terms without exoneration.
 - Enact legislation to ensure that death row exonerees have access to free legal assistance upon release for seeking financial compensation for wrongful conviction and incarceration, as well as record/expungement relief.

- Enact legislation to ensure that death row exonerees and their family members receive free therapy and counseling.
- Enact legislation to ensure that death row exonerees receive automatic record relief (via expungement or sealing) upon exoneration and release.
- Amend existing legislation to ensure that in any proceeding on a petition or claim for compensation, the government bears the evidentiary burden to prove ineligibility for compensation.
- Amend existing legislation to provide exonerees with social security benefits for the time that the exoneree could have worked while incarcerated and for loss of earning potential due to incarceration.
- Amend legislation to ensure that any compensation that an exoneree is awarded related to unlawful conviction, incarceration, and time on death row does not affect eligibility for income-based state or federal benefits, including access to food stamps.
- Support civil society efforts to sensitize the media regarding coverage of death row exonerees to remove any potential stigmatization.
- On at least an annual basis, publish comprehensive data on services, benefits, and compensation provided to death row exonerees.

¹ The Death Penalty Project, *The Death Penalty in 2024* (2024). Available at:

<https://deathpenaltyinfo.org/research/analysis/reports/year-end-reports/the-death-penalty-in-2024/innocence>.

² Ibid.

³ See *Atkins v. Virginia*, 536 U.S. 304, 350 n. 25 (2002).

⁴ Human Rights Committee, *Concluding observations on the fifth periodic report of the United States of America* (7 Dec. 2023).

⁵ Exec. Order No. 14164, 90 FR 8463 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-the-death-penalty-and-protecting-public-safety/>.

⁶ Witness To Innocence, *Justice After Exoneration*, <https://www.witnesstoinnocence.org/justice-after-exoneration>.

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States of America* (15 Dec. 2020), U.N. Doc. A/HRC/46/15, ¶ 26.288 Protect expanded and equitable access to health care (Poland); ¶ 26.290 Take further measures to make health-care services accessible to vulnerable people not supported by the current health system (Angola); ¶ 26.291 Take measures for providing health-care services to all without prejudice to race, economic situation and citizenship status of persons under its jurisdiction (Azerbaijan); ¶ 26.292 Step up its efforts, both at home and abroad, to improve the health, dignity and well-being of women, children and their families (Ethiopia); ¶ 26.293 Ensure access to health care, drugs and treatment to all segments of society (Iraq); ¶ 26.300 Clarify its approach to ensuring access to comprehensive sexual and reproductive health services (United Kingdom of Great Britain and Northern Ireland); ¶ 26.302 Reverse policies inhibiting comprehensive and universal access to voluntary sexual and reproductive health services, especially in emergency situations, and end related restrictions on foreign assistance (Austria); ¶ 26.303 Take action to support equitable access to sexual and reproductive health and rights services, and review policies that effectively limit foreign assistance for sexual and reproductive health and rights services abroad (Canada); ¶ 26.304 Rescind the Title X restrictions to ensure access to comprehensive family planning services for all (Denmark); ¶ 26.305 Make essential health services accessible to all women and girls, paying special attention to those who face multiple and intersecting forms of discrimination (Finland); ¶ 26.306 Ensure access by women and girls to sexual and reproductive rights and health (France); ¶ 26.307 Protect the sexual and reproductive health and rights of women and girls by ensuring their access to sexual and reproductive health information, commodities and services (Iceland); ¶ 26.308 Guarantee essential health services for all, including sexual and reproductive health services (Luxembourg); ¶ 26.309 Ensure universal access to sexual and reproductive health information, education and services for all (Malaysia); ¶ 26.310 Ensure access by all women to sexual and reproductive health information and services (Mexico).

⁸ Human Rights Council, *Report on the Working Group on the Universal Periodic Review: United States of America Addendum* (4 Mar. 2021).

⁹ Death Penalty Information Center, *DPIC Special Report: The Innocence Epidemic* (18 February 2021), available at <https://deathpenaltyinfo.org/research/analysis/reports/special-reports/dpic-special-report-the-innocence-epidemic>.

¹⁰ Interviews conducted with Witness to Innocence, March 2025.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Confidential data provided by Witness to Innocence, March 2025.

¹⁵ Ibid.

¹⁶ See e.g., TEX. CIV. PRAC. & REM. CODE ANN. §103.001 (2022). “In Texas, wrongfully convicted claimants are eligible to obtain group health benefit plan coverage as if the person were an employee of the Texas Department of Criminal Justice. This benefit does not extend to spouses or other dependents or family members. Coverage may be obtained for a period equal to the total period the claimant served for the wrongful conviction, including any time on parole or to mandatory supervision. Claimants pay a monthly contribution equal to an employee of the department.” Consalo, “The Case for a Uniform Approach to Compensation for the Wrongfully Convicted,” 28 U.C. Davis Social Justice L. Rev. 39, 41 (Winter 2024).

¹⁷ Interviews conducted with Witness to Innocence, March 2025.

¹⁸ Ibid.

¹⁹ Death Penalty Information Center, *Conditions on Death Row*, (Mar. 30, 2025, 5:40 PM), [https://deathpenaltyinfo.org/search-results?t\[\[\]\]=conditions-on-death-row](https://deathpenaltyinfo.org/search-results?t[[]]=conditions-on-death-row).

²⁰ See generally, Craig Haney, *The Psychological Effects of Solitary Confinement: A Systematic Critique*, 47 Crime & Just.: Rev. Rsch. 365 (2018).

²¹ Harold I. Schwartz, MD, *Death Row Syndrome and Demoralization: Psychiatric means to Social Policy Ends*, J. of the American Academy of Psychiatry and the Law, Vol. 33, Issue 2 (June 1 2005), available at <https://jaapl.org/content/33/2/153>.

²² Westervelt, S. D., & Cook, K. J. (2018). *Living on Death Row: The Psychology of Waiting to Die* 301-329 (2006).

²³ Interviews conducted with Witness to Innocence, March 2025.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Confidential data provided by Witness to Innocence, March 2025.

²⁷ Interviews conducted with Witness to Innocence, March 2025.

²⁸ Confidential data provided by Witness to Innocence, March 2025.

²⁹ THE UNITED STATES SOCIAL SECURITY ADMINISTRATION, DISABILITY EVALUATION UNDER SOCIAL SECURITY, sec. 12.15 Trauma-and stressor-related disorders. Available at: https://www.ssa.gov/disability/professionals/bluebook/12.00-MentalDisorders-Adult.htm#12_15.

³⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States of America* (15 Dec. 2020), U.N. Doc. A/HRC/46/15, ¶ 26.16 Consider early ratification of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child (India); ¶ 26.18 Ratify immediately the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities (Russian Federation); ¶ 26.20 Ratify the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities (Afghanistan) (Sudan); ¶ 26.23 Re-engage in the Human Rights Council and ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child (Canada); ¶ 26.27 Expedite the process of ratification of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women (Ukraine); ¶ 26.31 Ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities as soon as possible (Japan); ¶ 26.36 Ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities (Lithuania); ¶ 26.38 Consider the ratification of core human rights treaties, namely the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Covenant on Economic, Social and Cultural Rights (Myanmar); ¶ 26.40 Ratify urgently the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities (New Zealand); ¶ 26.57 Ratify the Convention on the Rights of Persons with Disabilities (Honduras); ¶ 26.58 Complete the ratification process of the Convention on the Rights of Persons with Disabilities, submitted to the Senate on 17 May 2012 (Mali); ¶ 26.118 Continue

efforts to combat all forms of discrimination, racial discrimination and xenophobia (Lebanon); ¶ 26.139 Take steps to ensure the full implementation of domestic and international laws to end all forms of discrimination, including discrimination on the basis of race, sex and religion, and bring the perpetrators to justice (Ghana); ¶ 26.140 Strengthen activities and laws aimed at eliminating discrimination in society and other forms of intolerance against minorities and other groups, including based on race, ethnicity, sexual orientation and gender identity (Iceland); ¶ 26.142 Root out systemic racism, address widespread police brutality and combat discrimination against African- and Asian-Americans (China); ¶ 26.143 Take the necessary measures to eliminate all forms of racial, gender, religious and other forms of discrimination (Kenya); ¶ 26.282 Strengthen sanctions against employers who engage in unfair labour practices and ensure that workers' rights are not violated (Myanmar); ¶ 26.284 End the criminalization of poverty, which disproportionately affects African-Americans (Cuba); ¶ 26.286 Further enhance activities that will lead to reducing homelessness among vulnerable groups across the country (Ethiopia); ¶ 26.287 Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities (Azerbaijan); ¶ 26.294 Continue its ongoing efforts to build a more inclusive society and reduce inequalities, including by updating its strategic plans to address the disproportionate impact of the COVID-19 pandemic on vulnerable populations (Singapore); ¶ 26.318 Encourage further private employers to strengthen equality and to offer paid maternity leave (Israel); ¶ 26.320 Strengthen further the existing non-discriminatory, inclusive and integrated approach to work to ensure women's equality and the promotion and protection of these rights (Montenegro);

³¹ Kamala Mallik-Kane & Christy A. Visher, *Health and Prisoner Reentry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration*, Urban Institute Justice Policy Center 16 (Feb. 2008). Also available at: <https://www.urban.org/sites/default/files/publication/31491/411617-Health-and-Prisoner-Reentry.PDF>.

³² Lucius Couloute & Daniel Kopf, *Out of Prison and Out of Work: Unemployment among Formerly Incarcerated People*, Prison Policy Initiative (July 2018). Also available at: <http://www.jstor.org/stable/resrep27307>; Amy Solomon, Christy Visher, Nancy La Vigne, & Jenny Osborne, *Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute's Prisoner Reentry Portfolio*, Urban Institute Justice Policy Center (Jan. 2006). Also available at: <https://www.urban.org/sites/default/files/publication/42981/411289-Understanding-the-Challenges-of-Prisoner-Reentry.PDF>.

³³ Mallik-Kane & Visher, *supra* note 31, at 34.

³⁴ Kristin Stainbrook & Elizabeth Tibaduiza, *Reentry and Housing Stability: Final Report*, Office of the Assistant Secretary for Planning and Evaluation (ASPE) at the U.S. Department of Health & Human Services, 12-18 (Dec. 2024).

³⁵ Interviews with Witness to Innocence, March 2025.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States of America* (15 Dec. 2020), U.N. Doc. A/HRC/46/15, ¶ 26.286 Further enhance activities that will lead to reducing homelessness among vulnerable groups across the country (Ethiopia); ¶ 26.287 Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities (Azerbaijan).

⁴⁰ Stainbrook & Tibaduiza, *supra* note 34, at 6.

⁴¹ See 28 U.S.C. § 2513 (requiring an exoneree to prove that "he is not guilty of the offense of which he was convicted" or "[h]e did not commit any of the acts charged").

⁴² Stainbrook & Tibaduiza, *supra* note 34, at 9.

⁴³ *Id.* at 12-18.

⁴⁴ Interviews with Witness to Innocence, March 2025.

⁴⁵ *Ibid.*

⁴⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States of America* (15 Dec. 2020), U.N. Doc. A/HRC/46/15, ¶ 26.110 Adopt further measures to ensure the enjoyment of human rights by all without discrimination (Nigeria); ¶ 26.111 Adopt measure to combat structural discrimination (Argentina); ¶ 26.116 Continues efforts to combat racism and discrimination against minorities and protect vulnerable groups (Czechia); ¶ 26.117 Continue the efforts to prevent and combat racism, racial discrimination, xenophobia and all other forms of intolerance (Italy); ¶ 26.118 Continue efforts to combat all forms of discrimination, racial discrimination and xenophobia (Lebanon); ¶ 26.119 Continue to put in place measures to eradicate racism, xenophobia and all forms of related intolerance across the country (Lesotho); ¶ 26.120 Continue to take concrete actions to promote inter-racial and inter-religious respect and eliminate discrimination, including by addressing the

socioeconomic root causes and strengthening domestic remedies (Singapore); ¶ 26.121 Continue advancing, through federal policies, towards the elimination of all forms of racism, racial discrimination, xenophobia and related forms of structural, economic, social and cultural intolerance (Chile); ¶ 26.122 Continue to promote and implement anti-discrimination policies, including those that prohibit racial discrimination and intolerance (Montenegro); ¶ 26.256 Continue implementing reforms in order to address recurrent challenges to the promotion and protection of human rights, in particular in the field of racial discrimination and excessive use of force by the police (Romania); ¶ 26.286 Further enhance activities that will lead to reducing homelessness among vulnerable groups across the country (Ethiopia); ¶ 26.287 Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities (Azerbaijan).

⁴⁷ 28 U.S. Code § 2513, <https://www.law.cornell.edu/uscode/text/28/2513>.

⁴⁸ Jeffrey S. Gutman, *Are Federal Exonerees Paid?: Lessons for the Drafting and Interpretation of Wrongful Conviction Statutes*, 69 Clev. St. L. Rev. 219, 219 (Mar. 2021).

⁴⁹ Brandon L. Garret et al., *Compensating Exonerees in the United States*, Wilson Center for Science and Justice at Duke Law, 3 (Dec. 2024). Also available at: <https://wcsj.law.duke.edu/wp-content/uploads/2024/12/ExonereeCompensationFactSheet.pdf>.

⁵⁰ COLO. REV. STAT. § 13-65-103 (2024). Also available at: <https://law.justia.com/codes/colorado/title-13/judgments-and-executions/article-65/section-13-65-103/#:~:text=Section%2013%2D65%2D103%20%2D,damages%20awarded%20in%20civil%20actions>.

⁵¹ *Id.* § 13-65-103(1).

⁵² COLO. REV. STAT. § 13-65-101 (2024). Also available at: <https://law.justia.com/codes/colorado/title-13/judgments-and-executions/article-65/section-13-65-101/>. (“(I) His or her conviction was the result of a miscarriage of justice; (II) He or she presented reliable evidence that he or she was factually innocent of any participation in the crime at issue; (III) He or she did not solicit, pursuant to 18-2-301, C.R.S., the commission of the crime at issue or any crime factually related to the crime at issue; (IV) He or she did not conspire, pursuant to 18-2-202, C.R.S., to commit the crime at issue or any crime factually related to the crime at issue; (V) He or she did not act as a complicitor, pursuant to 18-1-603, C.R.S., in the commission of the crime at issue or any crime factually related to the crime at issue; (VI) He or she did not act as an accessory, pursuant to 18-8-105, C.R.S., in the commission of the crime at issue or any crime factually related to the crime at issue; and (VII) He or she did not attempt to commit, pursuant to 18-2-101, C.R.S., the crime at issue or any crime factually related to the crime at issue.”).

⁵³ Jeffrey S. Gutman et al., *Why is Mississippi the Best the Best State in Which to be Exonerated? An Empirical Evaluation of State Statutory and Civil Compensation for the Wrongfully Convicted*, 11 Ne. U. L. Rev., 694, 745-46 (2019). Also available at:

https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3422474_code810317.pdf?abstractid=3422474&mirid=1.

⁵⁴ *Id.* at 745.

⁵⁵ *Id.* at 746.

⁵⁶ See ALA. CODE § 29-2-156 (“In order to be eligible to receive compensation for wrongful incarceration a person must: (1) Have been convicted by the State of one or more felony offenses, all of which the person was innocent, and have served time in prison as a result of the conviction or convictions; or (2) Have been incarcerated pretrial on a state felony charge, for at least two years through no fault of his or her own, before having charges dismissed based on innocence.”); ALA. CODE § 29-2-157 (“For purposes of determination of eligibility for compensation for wrongful incarceration, innocence shall be evidenced by at least one of the following: (1) The conviction vacated or reversed and the accusatory instrument dismissed on grounds of innocence; or (2) The accusatory instrument dismissed on a ground consistent with innocence.”).

⁵⁷ Interviews conducted with Witness to Innocence, March 2025.

⁵⁸ WASH. REV. CODE § 4.100.060 (2022) (“The compensation award is not income for tax purposes, except attorneys' fees awarded under subsection (5)(e) of this section.”).

⁵⁹ Interviews conducted with Witness to Innocence, March 2025.

⁶⁰ Witness To Innocence, *Justice After Exoneration*, <https://www.witnesstoinnocence.org/justice-after-exoneration>.

⁶¹ Human Rights Committee, *Concluding observations on the fifth periodic report of the United States of America*, UN Doc. CCPR/C/USA/CO/5 (7 Dec. 2023), ¶ 31(c) (“[E]nsure adequate compensation for persons wrongfully convicted and appropriate support services, for example legal, medical, psychological and rehabilitation services.”).