

## **Call for a National Plan of Action for Racial Justice**

### ***An action plan is needed for the full implementation of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD)***

As the United States celebrates the 50<sup>th</sup> anniversary of the March on Washington, it is clear that the nation's civil rights laws and agencies have not been able to effectively address structural forms of racism in our society.

Eighteen years ago, the United States ratified ICERD. The United States Constitution requires our government to treat ratified treaties as the "[supreme law of the land](#)" and as a party to ICERD -- the most comprehensive anti-discrimination legal instrument in the world -- the United States government is legally bound to fight racism and "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists."

In the past six years, the [United Nations Committee on the Elimination of Racial Discrimination](#) (the committee that assesses adherence to ICERD) and other U.N. human rights experts have provided [specific and detailed recommendations](#) advising the U.S. government to implement human rights obligations domestically in order to address systemic forms of racism and discrimination.

One of the most important steps that the United States government can take both to combat racism and bring its laws and policies into conformity with the requirements of ICERD is to develop a plan of action to implement ICERD at all government levels.

In an effort to strengthen U.S. implementation of ICERD, the US Human Rights Network and the Human Rights at Home (HuRAH) Campaign call on the federal government to create a National Plan of Action for Racial Justice.

What are the benefits of a national plan of action?

A national plan of action to implement ICERD can help to strengthen existing civil rights laws and programs in a few important ways:

- ICERD applies to *all levels* of government, while the Civil Rights Act of 1964, for example, only addresses discriminatory practices in programs or activities that receive federal funding.
- Countries that have ratified ICERD are obligated not just to avoid policies with a discriminatory impact, but to *affirmatively* address racial disparities.
- Going beyond the single-issue approach of many anti-discrimination laws, the CERD Committee recognizes cases of multiple, or intersecting, discrimination,

such as where gender, religion, immigration status, sexual identity, or age, exists *in combination* with race.

- ICERD prohibits policies that have a discriminatory *impact* on people of color, even where there is no *intent* to discriminate.

A national plan of action to implement ICERD would set concrete targets, create new tools for accountability, and improve coordination between agencies and levels of government on racial discrimination issues that extend beyond current civil rights law. While primarily focused on the federal government, a plan should encourage all levels of government and other stakeholders to act. We call on President Obama to adopt a National Plan of Action as one of his Administration’s top priorities in the second term. The plan should have the following elements

1. Context: the state of racial discrimination in the United States
2. Goals and targets template below
3. Actions, time frames, and responsible parties
4. Coordination
5. Accountability mechanisms

### **Template for a National Plan of Action for Racial Justice**

We offer the following template created with input from civil society to provide the Administration with a starting point. We look forward to working with the Administration and a broader range of civil society in developing specifics for the plan.

#### **Sample Goal: Stop the School to Prison Pipeline**

*Target: Eliminate racial disparities in suspensions, expulsions, and in-school arrests.*

In 2008, the CERD Committee expressed “concern that alleged racial disparities in suspension, expulsion and arrest rates in schools continue to exacerbate the high drop out rate and the referral to the justice system of students belonging to racial, ethnic or national minorities.” This “school to prison pipeline” is fed by a long history of segregated education and concentrated poverty, and by ongoing racial disparities in school discipline and use of law enforcement in schools. A comprehensive response is required.

Time-frame	Responsible Agencies	Action
<b>Existing laws, policies, and programs do not create disparities, while respecting, protecting, and fulfilling the rights of all.</b>		
2014	Department of Education, Department of Justice, school districts	Review, revise, and repeal zero tolerance policies to apply to only the most serious cases.
<b>New laws, policies, and programs are created to eliminate disparities and provide positive measures where needed.</b>		
2011-14	US Congress, Department of Education,	Expand the use of proven supportive and restorative approaches to discipline nationwide, such as: <ul style="list-style-type: none"> <li>• Positive Behavior Supports: train teachers to reinforce</li> </ul>

	Department of Justice, school districts	<p>positive behavior and provide positive, early interventions that reduce disciplinary incidents, improve the school environment, and improve academic outcomes.</p> <ul style="list-style-type: none"> <li>• Restorative practices that build a sense of school community and manage conflict.</li> <li>• Ban the use of corporal punishment in schools</li> <li>• Issue Federal Guidance to schools on the use of punitive schools discipline and role of law enforcement in schools</li> </ul>
<b>Equitable, adequate allocation of resources prevents discrimination, encourages equality, and addresses the impact of past discrimination.</b>		
2013	Federal, state and local authorities	Review the cost of alternative approaches compared to incarceration, and ensure that programs have funding for the alternative approaches listed above.
<b>Accurate, timely, and disaggregated data is collected and made available to identify and correct discrimination,</b>		
2014	Department of Education, Department of Justice, local education and law enforcement authorities	<p>Ensure that education and law enforcement authorities collect and make public data on suspensions, expulsions, and arrests in schools, disaggregated by at least race, gender, and offense.</p> <p>Continue and expand the Department of Education's Civil Rights Data Collection to include additional categories of school discipline, including incidents of corporal punishment and reasons for referrals to law enforcement or school based arrest.</p>
<b>Relevant officials in all agencies and levels of government, as well as the affected communities, are trained in the obligations under CERD.</b>		
2014	Federal, state and local authorities	Train education officials at all levels in CERD obligations concerning education and criminal justice.
2014	Federal, state and local authorities	Train police and other security present in schools to address disciplinary problems without arrests.

## **Goal: End disparities in access to voting**

*Target: Voter ID restrictions, disfranchisement of individuals with past convictions, and other obstacles to voting are reduced for all and do not reflect significant disparities across racial groups.*

The Voting Rights Act of 1965 addressed many overt efforts to stop people of color from voting. However, the problem continues in other forms and new tactics such as voter identification laws, elimination of early voting on the Sundays before Election, and wide disparities in voting facilities that lead to long lines in poor and marginalized communities. In addition, this nation's long history of disfranchising persons convicted of a felony has a well-documented, racially disparate impact due to differing rates of arrest, conviction, sentencing, and supervision, among other reasons. This has profoundly affected the political voice of people of color for generations. One of every 13 African Americans is disenfranchised due to a felony conviction, and in three states the figures are 1 in 5.<sup>1</sup>

<sup>1</sup> See the Sentencing Project, "State-Level Estimates of Felon Disenfranchisement in the United States, 2010"

Timeframe	Responsible Agencies	Action
<b>Existing laws, policies, and programs do not create disparities, while respecting, protecting, and fulfilling the rights of all.</b>		
2013	US Congress, Department of Justice Civil Rights Division	Commit more resources to enforcing the Voting Rights Act and ensuring the protection of the right to vote for all.
2013-15	Department of Justice, State Attorneys General	Review and revise state laws with the potential to disfranchise voters, including voter identification and disfranchisement for past convictions
<b>New laws, policies, and programs are created to eliminate disparities and provide positive measures where needed.</b>		
2016	Department of Justice, US Congress, state legislatures	<ul style="list-style-type: none"> <li>strengthen and enact new uniform national election administration standards</li> <li>at the federal level, pass the Democracy Restoration Act that would regrant people with past convictions if they are no longer incarcerated.</li> <li>adopt reasonable, uniform rules for disfranchisement of those convicted of crime, and procedures to restore rights</li> <li>revise (or repeal) state criminal disfranchisement laws which contribute to unwarranted racial disparities, and adopt clear, automatic procedures for rights restoration</li> </ul>
<b>Equitable, adequate allocation of resources prevents discrimination, encourages equality, and addresses the impact of past discrimination.</b>		
2016	Election Commissions, US Congress and state legislatures	Reduce wide disparities in voting facilities between counties and precincts through national and state level standards and funding.
<b>Accurate, timely, and disaggregated data is collected and made available to identify and correct discrimination,</b>		
2014	DOJ, state Attorneys General	Collect data on waiting times, voting machines, etc. in different areas, as well as disfranchisement due to past convictions or lack of identification.
<b>Relevant officials in all agencies and levels of government, as well as the affected communities, are trained in the obligations under CERD.</b>		
2014	Federal, State, and County election commissions	Train election officials at all levels to ensure that local governments are informed about their obligations to protect universal suffrage under the ICERD.

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*This template was produced by the CERD Taskforce of the US Human Rights Network and the Human Rights at Home (HuRAH) Campaign. Taskforce members include: US Human Rights Network (co-chair); Lawyers' Committee for Civil Rights Under Law (co-chair); ACLU; Poverty and Race Research Action Council; and the Leadership Conference on Civil and Human Rights.*