

## **Report from Geneva: U.N. Committee Reviews U.S. Record on Race**

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On February 21-22, a 25-member U.S. delegation came to the U.N. headquarters in Geneva to participate in a long overdue review of our country's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The U.S. had submitted a report to the U.N. CERD Committee in April 2007, for only the second time since ratifying CERD in 1994 (see *Poverty & Race*, March/April 2007)

The US delegation was met by an unprecedented "shadow" delegation of 126 representatives from US Non-Governmental Organizations (NGOs) who had come to Geneva to challenge the U.S. report. These groups ranged from traditional civil rights organizations like the ACLU and the Lawyers Committee to community based organizations like the Southwest Workers Union, the People's Hurricane Relief Fund, a group of children of incarcerated parents, and representatives of the Western Shoshone and Cherokee tribes. The NGO delegation was organized and coordinated by the U.S. Human Rights Network, as part of a broader effort to raise awareness of international human rights law in the U.S. and promote domestic human rights advocacy.

The U.S. delegation also came face to face with a U.N. CERD Committee expressing open skepticism about the Administration's limited approach to civil rights – which stands in contrast to the CERD treaty's emphasis on disparities in racial outcomes and a robust analysis of discriminatory effects of government policy.

The CERD Committee's approach was signaled in its initial "list of issues" submitted to the US Delegation earlier this year, covering many of the crucial mechanisms of structural racism, including implicit bias vs. intent, racial profiling, police brutality, residential segregation, resegregation of US schools, racial disparities in incarceration and the death penalty, inadequacy of many state indigent defense systems, violence against women, minority health disparities, post 9/11 discrimination against Arab-Americans, abuse and detention of undocumented immigrants and abrogation of Native American treaties. For example, the Committee's question number 10 stood in sharp contrast to the US CERD report, which had barely mentioned the issue:

10. According to information received, persons belonging to racial, ethnic and national minorities, especially Latino and African American persons, are disproportionately concentrated in poor residential areas characterised by substandard housing conditions, limited employment opportunities, inadequate access to health care facilities, under-resourced schools and high exposure to crime and violence. Please provide detailed information on the measures adopted by the State party to reduce residential segregation based on racial and national origin, as well as its negative consequences for the persons concerned.

PRRAC participated actively with other NGOs in informal briefings to the CERD Committee during the week leading up to the CERD review, and we also helped produce two important multi-organization coalition shadow reports which were reviewed (and relied on) by the CERD Committee: *Residential Segregation and Housing Discrimination in the United States* and *Unequal Health Outcomes in the United States* (both reports are available on PRRAC's website, and a complete set of NGO "shadow reports" is available on the website of the US Human Rights Network ([www.ushrnetwork.org](http://www.ushrnetwork.org))).

At the official hearing the U.S. responded to intensive questioning from the CERD Committee's designated "country rapporteur" and 15 individual committee members. The U.S. response was led by representatives of the State Department and the Justice Department, including the Acting Director of the DOJ Civil Rights Division, Grace Chung Becker. The U.S. was also assisted by Ralph Boyd, former director of the Civil Rights Division at the Department of Justice (under Attorney General John Ashcroft).

Although it approached its task diplomatically, the U.S. delegation pointedly disagreed with the CERD Committee on key issues, suggesting at various points in their presentation that the disparities observed by the Committee were merely the result of poverty, or related to personal behavior, and that disparities in criminal justice outcomes could be based on differential rates of commission of crimes. The U.S. delegation representative also questioned whether the CERD treaty reaches non-intentional conduct or policy.

Hurricane Katrina was an important presence at the hearing – a few days earlier, New Orleans activists had testified just as the demolition of the St. Bernard public housing development was beginning (in contrast, the US delegation claimed credit for an "unprecedented" response to the hurricane). The US was also called to account for the Supreme Court's decision in the voluntary school integration case (*Parents Involved v. Seattle School District*) – a recent decision which conflicts with the treaty's call for "special measures" to respond to systemic inequities.

We now await the Committee's "Concluding Observations" (not yet available at press time) which are intended to guide member countries in their implementation of their obligations under CERD. The Concluding Observations document is the closest thing to a "ruling" that the Committee will make, and this document will help guide the advocacy agenda of the participating NGOs. Plans are already underway to follow up with briefings in Congress and meetings in the affected federal agencies. While the CERD treaty may not yet be directly enforceable in court, it is emerging as a valuable additional tool for domestic human rights advocacy in coming years.

[Available on PRRAC's Website:](#)

Concluding Observations of the CERD Committee (March 7, 2008)

“List of Issues” submitted by the CERD Committee to the U.S. Delegation

*Residential Segregation and Housing Discrimination in the United States* (submitted by PRRAC and other organizations)

*Unequal Health Outcomes in the United States* (submitted by PRRAC and other organizations)

*Structural Racism in the U.S* (submitted by the Kirwan Institute for the Study of Race and Ethnicity and other organizations)