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# Dispatch from Geneva: The United Nations Reviews United States Performance in Eliminating Race Discrimination

Megan Haberle

In the last week of August, while much of Washington, DC savored the Congressional recess, the United Nations delivered a sharp reminder to the government of the need for action on race discrimination. The U.N. Committee on the Elimination of Racial Discrimination issued its concluding observations on the U.S.'s compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), evaluating our nation's progress and shortcomings in ensuring equality for all regardless of race (link available at [www.prrac.org/projects/cerd.php](http://www.prrac.org/projects/cerd.php)).

The CERD treaty and the observations call for the government at all levels to do more in eliminating discrimination, both by assessing and revising its own programs and actions and by protecting against those of private actors. The concluding observations are issued periodically on a four-year cycle (for the U.S. as well as other state parties to the treaty), following a process in which U.N. committee members review a formal report submitted by the government, as well as shadow reports assembled by civil society, and then engage in briefings and questioning of both government and civil society representatives on the grounds of the United Nations offices in Geneva. A reading of the observations can be a daunting reminder of the breadth and severity of race discrimination on multiple fronts, spanning criminal justice, environmental justice, education, housing, health, voting rights, and a gamut of other important issues. For those of

us who participated in the review in Geneva, the process was both a powerful call for continuing advocacy and an affirmation of the valuable work being done by our civil rights colleagues throughout the country.

## **Civil Society Makes Diverse Voices Heard; Echoes of Grief from Home**

Before the U.S. government's delegates arrived for their formal consultation with the U.N. CERD Commit-

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tee, members of civil society—experts and advocates working on a host of racial justice issues, many of whom were organized by the U.S. Human Rights Network—buzzed through the halls of the United Nations, engaging in intense collaboration. Engagement with the Committee members was fruitful but tightly condensed, as non-profit professionals and directly-impacted victims of discrimination delivered prepared statements and clarified the problems illustrated by their shadow reports. Some of the most poignant of the stories told illustrated the high stakes that can result from racial bias. Trayvon Martin's mother

spoke about the death of her son. In the background, the news from home was also bleak: another shooting death, this time in Ferguson.

For participants, the panoply of issues presented could at times be exhausting. At the same time, the combined effect of the civil society briefings was to illustrate the intertwined and structural nature of race discrimination, including the undervaluing of minority lives and intergenerational access to opportunity.

## **CERD Questioning Underscores Structural Nature of Discrimination, Importance of Disparate Impact and "Special Measures"**

The U.N. CERD Committee's questioning of both civil society and the government illustrated the centrality of protection from discriminatory effects discrimination as an international norm in securing equality. The assessment of discriminatory effects was fundamental in fielding questions throughout the spectrum of issues (including, as just a handful of examples, access to counsel, criminalization of homelessness, the inadequacy of labor protections for child workers, and voting rights). Similarly, some of the government's compelling examples of progress toward equality were drawn from its actions to eliminate activities with discriminatory effects, as in its pursuit of fair lending enforcement.

Questions also showcased the continuing need for the government to actively promote racial integration and equality. For example, Committee

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*(CERD: Continued from page 3)*

members volleyed multiple questions regarding educational opportunity. Committee members sought to understand the current state of affirmative action jurisprudence, and asked for an explanation of the continuing degree of segregation in primary and secondary schools.

### **Concluding Observations a Sharp Call to Action**

The resonance of civil society's participation in the CERD review permeated the Concluding Observations, which should be viewed as a serious

call to action for our government. On both housing and education, the Observations pointedly critiqued the continuing failure to promote racial integration. In both areas, they called for concrete steps, including the Department of Housing and Urban Development's implementation of a final regulation on affirmatively furthering fair housing, dedication of increased resources for fair housing enforcement, and the adoption of a comprehensive, timeline-driven plan for school desegregation. Back on American soil, with the Committee's report in hand, our colleagues working on these and other issues can expect a busy four years until the next review. □

### **New on PRRAC's Website**

Coalition comments on HUD proposed Public Housing Agency Consortium Rule (September 2014)

"Using RAD to Support Access to High-Opportunity Areas" (August 2014)

National Coalition on School Diversity, comments on Department of Education revised diversity priority (July 2014)