



United Nations Periodic Review

2019 Stakeholder Report

City of New Orleans

Mayor's Office of Human Rights and Equity

Introduction & Methodology:

- 1) The Mayor's Office of Human Rights and Equity was established in March 2019 via Executive Order by Mayor LaToya Cantrell. Based on research of international best practices for human rights offices and a commitment to the UN Declaration of Human Rights, we seek to advise on policy, provide training and technical assistance, oversee racial equity initiatives at the City level, provide accountability within City government, and assist those experiencing unlawful discrimination.¹
- 2) To compile our report we reached out to City departments and community stakeholders to gather input on human rights priorities. Stakeholders included advocates working in the areas of: economic justice, youth development, housing access, environmental justice, and anti-racism work. Just as the UPR itself "is designed to prompt, support, and expand the promotion and protection of human rights on the ground," this office is a mechanism working in the community to advance a culture of human rights in the City of New Orleans.²

Background:

¹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III)

² "Facts about the UPR." Office of the United Nations High Commissioner for Human Rights. United Nations. <https://www.ohchr.org/en/hrbodies/upr/pages/basicfacts.aspx>.

- 3) In 2010, community stakeholders convened at Xavier University, the oldest historically Black university in New Orleans, to participate in a Civil Society Consultation for the Universal Periodic Review.³ This gathering session of community leaders was one effort in the ongoing series of steps by local government and advocacy groups to support a vibrant human rights culture in New Orleans. At that time, stakeholders identified five issue areas: racial discrimination, environmental justice and sustainability, criminal justice, housing and economic justice, and health and healthcare. For consistency and ability to track progress we will maintain this structure. Our goal with this report is to build on recorded human rights concerns of New Orleans with relevant specifics and best practices.

Racial Discrimination

- 4) During the 2010 convening, discussants identified structural disparities that disadvantage the African American community related to: economic development and opportunity, remaining segregation in housing and schools, environmental degradation in majority Black areas, educational discipline disparities (i.e. “the school to prison pipeline”), and racial discrimination in voting rights and access.
- 5) All above mentioned areas have remained relevant community concerns, in addition to new concerns and community member perspectives incorporated in nuanced and intersectional ways. For example, examining racial disparities in the gender pay gap, in the LGBTQ+ community, and when addressing children living in poverty.
- 6) Nationally, discussions of gendered pay inequities have become a focal point for progress, especially recognizing pay disparities for women of color found to be earning 61 cents for each dollar paid to a white, non-hispanic male.⁴ Louisiana ranks fifty-one out of fifty states in gender pay equity, and in the city of New Orleans women of color are making 48 cents on the dollar, illustrating the need to take race and gender into account when working to address this gap.⁵
- 7) New Orleans has the fourth largest LGBTQ+ population of the top 50 metropolitan areas of the United States.⁶ Within our LGBTQ+ community, people of color experience significant disparities, barriers and violence, specifically among those who are transgender and gender non-conforming. In 2019, there has been a national uptick of Black transgender women murdered, and in 2017 Louisiana was the location of 42% of the recorded homicides of transgender individuals that year.⁷
- 8) Louisiana ranks forty-ninth in the United States in terms of child well-being, based on measurements of health, education, and economic well-being. Louisiana is also ranked forty-

³ State Department. 2010. Civil Society Consultation for the U.S. Universal Periodic Review: New Orleans, Louisiana. State Department.

⁴ Barroso, A. R. 2018. “The Wage Gap for Women of Color Widened in 2017.” August 1, 2018.

⁵ Nielson, K. 2010. “The Gender Pay Gap by State: An Interactive Map.” 2010.

⁶ Newport, F., and G. J. Gates. 2015. “San Francisco Metro Area Ranks Highest in LGBT Percentage.” February 4, 2015.

⁷ There were seven recorded murders in 2017, three of which occurred in New Orleans or Louisiana as a whole according to Human Rights Campaign annual reporting.

ninth for African-American youth.⁸ Best practices involve a holistic approach to investing in education, recreation, and mental health with a specific lens of addressing racial disparity. In 2018, the City created the Office of Youth and Families dedicated to addressing these issues.

- 9) Best practices to address discrimination at the local level include public-facing and accessible data collection of discrimination complaints and providing for an administrative process as an alternative to cost-burdensome, litigious processes. The mechanism we have identified to provide for these services is a local human rights commission, seated by community members, empowered to safeguard residents from discrimination. Commissions can perform investigations, offer mediation, identify areas for community education, and produce determinations on allegations of discrimination as established by the Louisiana State Constitution. In order to properly establish a commission at the local level, an amendment to our City's Charter is being put before the voters in 2019. We have found that improper establishment of enforcement entities in state and municipal constitutions was a barrier to the efficacy of anti-discrimination laws.

Environmental Justice and Sustainability

- 10) Louisiana struggles with climate change, degradation of our terrain, and the ramifications to health and livelihoods as a result. The pressing environmental human rights concerns identified by 2010 stakeholders included: coastal restoration, housing support for displaced persons and communities, financial support to relocate persons and communities to ancestral lands, and support for indigenous tribes in Southeast Louisiana seeking recognition. In our city, environmental injustice is often seen in connection with lack of access to a clean, safe, and healthy environment including drinking water, mold and mildew in buildings, foodways, school environments, and home conditions.
- 11) Notably, the 2010 convening did not name petrochemical corporate interests and influence as a concern of environmental justice. Four months following that January 2010 convening, one of the largest oil spills in the Gulf of Mexico occurred and brought national attention to the lasting impacts, losses, and inequities in petrochemical involvement in Louisiana's economy and natural environment.⁹ In 2019, our City joined others throughout Louisiana by filing lawsuits directly against corporations that have perpetrated environmental injustices as a best practice for identifying culpability.¹⁰

Criminal Justice

- 12) Racial profiling and racial disparity in criminal justice is one of the main human rights concerns identified in our region. Youth criminal justice is an area of specific concern in our community, specifically around youth interactions with law enforcement, zero-tolerance policies in schools, and juvenile detention practices and conditions.

⁸ https://www.aecf.org/m/databook/2018KC_profiles_LA.pdf - LA is specifically scored 276 out of 1,000 points for black youth in terms of healthy environments

⁹ "Gulf Oil Spill." 2018. March 1, 2018. <http://ocean.si.edu/conservation/pollution/gulf-oil-spill>.

¹⁰ https://www.nola.com/news/article_a1bc1554-5cb4-5094-9ecd-ac001fa6365a.html

- 13) Today, after consent decree judgements with police departments, court systems, and jail population management practices, Louisiana still makes up the highest population of people in incarceration. This presents human rights concerns for experiences with law enforcement, criminal justice, and post-incarceration. A current issue facing the state is a result of federal immigration enforcement, where for-profit prisons are detaining the highest number of migrants facing deportation outside of Texas, which has the largest amount of border-land. Over 5,000 migrant detainees in Louisiana are facing deportation proceedings and have an average turnover rate of 34 days.¹¹ Addressing mechanisms of mass incarceration, prison-for-profit systems, and long-term impacts of racism in criminal justice decision-making are a priority among community members and leaders.

Housing and Economic Justice

- 14) Currently residents report lack of affordability in housing and a low minimum wage as their most pressing concerns. Discussions around housing center on access to publicly subsidized housing units. Public perception around housing access and systems tends to revolve around concerns of corruption and a history of distrust or inadequacies, including the demolition of public housing and standards of temporary housing post-Katrina.
- 15) Adequate funding and access to revenues generated at the local level are vital for a city's ability to support residents. In New Orleans' case, city government did not have access to or representation in allocation decisions on tax dollars generated by New Orleans tourism since the 1970s. When the voters of New Orleans elected their first African American Mayor, the state legislature removed appointment power from the Mayor's Office to a number of key state boards governing New Orleans tourism and allocations of tax dollars from the tourism industry. This example of institutional racism played a part in the City losing access to the \$60-80 million generated through tourism annually, which represented lasting impacts on the City's ability to invest in infrastructure, housing, and other services for residents. In 2017-2018, the City of New Orleans had over 18 million visitors, which represents a ratio of 48 visitors to each single New Orleans resident. This strain on our population could be seen in labor conditions for service industry workers and wear on infrastructure.¹² Last year, through negotiations with the Louisiana governor, state entities and boards, and New Orleans business leaders, the Mayor came to an agreement to allocate more of the monies generated by tourism to the City of New Orleans. This negotiation and deal represent a best practice of economic justice as local entities will have more capacity to invest in the community and provide services to residents. **VP wanted me to add some info about transit

Health and Healthcare

¹¹ Gasparian, K. 2019. "The Real Wall Isn't at the Border: Current Federal Immigration Policies and the Impact of Those Policies on Louisiana."

¹² Glovinsky, A. L., S. Stuart, and P. Rioux. 2019. *THE LOST PENNY An Analysis of the Orleans Parish Hotel Tax Structure*. Bureau of Governmental Research. https://www.bgr.org/wp-content/uploads/BGR_HotelTax_013019.pdf.

- 16) The New Orleans Health Department cited the rights of individuals to be free from the effects of structural racism on their health, prosperity, and overall lives. This directly affects the ability of community members to access timely, appropriate, and culturally competent health care and is tied to rates of chronic illness and early mortality. Individuals also possess the right to live free from violence and the threat of violent injury. This is one of the major causes of early death in our community, and the devastating effects of repetitive exposure to trauma from the earliest ages have significant impact on health and wellness later in life for survivors. Over the past year, community-wide conversation has turned to the impacts of trauma, adverse experiences, and repeated exposure to violence on our youth.¹³
- 17) The best practices identified by the health department to address these areas include: development of anti-racist policy and initiatives at the local level, support for anti-racism training for government employees and those at major healthcare systems (i.e. hospitals and clinics), coordination of policy and approach between public health leaders, law enforcement, and community organizations to ending violence, and the expansion of economic and social service opportunities to insulate individuals and communities against the likelihood and consequences of pervasive violence. Additionally, the need for fully-funded research into gun violence has become evident, along with the hope that this research would lead to the expansion of sensible firearm laws to prevent misuse and harm. Each of these recommended areas for development include the hope that progress at the local level in these areas will pressure state and national policy and programmatic leaders to follow suit.

¹³ Bullington, J., and R. A. Webster. 2018. "The Children of Central City." *Times-Picayune*.