
**United States' Compliance with the International
Convention on the Elimination of All Forms of Racial Discrimination**

***Racial Discrimination & Equity in the United States:
Evidence from Pittsburgh***

*Shadow Report to the 10th-12th Periodic Reports of the United States
107th Session of the Committee on the Elimination of Racial Discrimination, Geneva, August
2022*

Submitted July 14, 2022 by the [Pittsburgh Human Rights City Alliance](#)

The Pittsburgh Human Rights City Alliance is a networking/coalition-building organization of Pittsburgh human rights organizations and advocates, guided by leaders on its [Steering Committee](#), who lead organizations working on housing, immigrant rights, environmental justice, police accountability, gender justice, and human rights education. The report was compiled a team of volunteer students, researchers, and community advocates and drew from public reports produced by local researchers and groups representing Black residents and other racialized minorities in our region.

In August 2022, the UN Committee on the Elimination of Racial Discrimination (CERD Committee) will examine the U.S. periodic report on compliance with the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (ICERD or CERD), a key global human rights treaty which the United States ratified in 1994. At the review in Geneva, Switzerland, a high level U.S. government delegation will officially present the [June 2021 U.S. government report](#) on U.S. responses to the [CERD Committee's recommendations from its prior review in 2014](#), and officials will answer questions from the Committee on the progress made and obstacles to implementation of the treaty. Following this examination, the Committee will issue a report on its findings, identifying major areas of concern and incorporating recommendations on how the U.S. government should better implement the treaty. All official documents for this review (including this and other civil society shadow reports) will be posted on [this UN-CERD website](#). This intervention aims to contribute to this process by documenting local conditions and mobilizing public support in support of the CERD Committee's work to advance racial equity in the United States.

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Executive Summary

To inform the work of the CERD Committee, this report assembles recent data from a variety of sources on the state of racial equity and discrimination experienced in Pittsburgh, Pennsylvania and our surrounding region. We examine racial disparities and make recommendations for action in areas of housing, maternal health, environmental justice, gun violence, policing, and hate crimes.

Although the Biden Administration has sought to improve racial equity, there is limited evidence that its policies have substantially improved conditions in Pittsburgh. The continued refusal of the United States government to address the discriminatory outcomes of past and present policies, along with its rejection of the CERD Committee's call to regulate private actors who violate human rights obligations under CERD remain key obstacles to improving conditions for people of color in Pittsburgh and other communities. Moreover, the U.S. government must better support state and local governments in carrying out their obligations under CERD and other international human rights treaties and standards.

1. According to a recent study by the city's Gender Equity Commission and the expertise of [Black women and femme residents](#), Pittsburgh is one of the [worst in the country in terms of the conditions for African American residents](#).¹ Persistent effects of historical discrimination—including redlining and other forms of housing discrimination, discriminatory labor policies and policing practices—continue to negatively impact the health and well-being of Black residents and communities. Worsening housing insecurity and displacement is a major problem, intensified by the failure of local and national government to respond. In addition, the City of Pittsburgh has failed to respond to persistent violations of the rights of people of African descent, including unjustified killings and serious injuries. These problems are exacerbated by the growing polarization and deteriorating social climate of American society, which fuels rising hate crimes and myriad forms of discrimination, dehumanizes minoritized populations, and sows mistrust.
2. Population and health data reflect gross racial disparities in the City. While Pittsburgh's White population remains stable, more than 10,000 Black residents left the City between 2010 and 2020—a 13% decline.² And a recent study by researchers at the University of Pittsburgh School of Public Health revealed an alarming 22 year life expectancy differential between the lowest life expectancy neighborhood—which is predominantly Black—and the highest, primarily White, neighborhood.³ These trends reflect the failures of federal, state, and local governments to adequately protect the basic human rights of people of color (e.g., ICERD, Article 1, Par. 1). This report addresses persistent housing discrimination, an ongoing lack of affordable housing, racialized and gendered health disparities perpetuated by inequitable allocation of health resources, and inadequate support for the social, economic, civil, and political rights of people of African descent and other racialized minorities.
3. Beyond housing, particular concerns in Pittsburgh include: large racial disparities in maternal health and protections of reproductive rights; failures of governments to address the causes of gun violence, which disproportionately impact Black neighborhoods and health; persistent environmental racism; and continued failure to conform U.S. policing practices with global human rights standards.⁴ Pittsburgh's immigrant residents face additional burdens from racial profiling, detention, and denial of due process. In addition, conditions for Pittsburgh's residents of color have been harmed by the hostile, racially discriminatory climate fueled by national politicians and electoral processes as well as by social media.

Housing Access and Equity

4. Pittsburgh housing policies have contributed to mass displacement of the city’s African American communities. The 13% drop in the city’s Black population cited above results from a severe and chronic lack of affordable housing.⁵ Even where residents are able to return to their original neighborhoods, they are frequently first displaced as they await the completion or renovation of replacement housing. Such disruption traumatizes individuals, families, and the broader community—especially where young children, disabled individuals, or seniors are involved. Public health scholar Mindy Thompson Fullilove has documented the “serial forced displacement” of African Americans—a pattern dramatically evident in Pittsburgh over recent decades.⁶ Moreover, Fullilove’s research in Pittsburgh shows the connections between U.S. housing policies and racially disparate health outcomes, arguing that “root shock” destroys social networks that are key to emotional, social and economic well-being, undermining individuals’ abilities to trust others while increasing anxiety.⁷ Nevertheless, despite this extensive documentation of the harms displacement does to individuals and communities, public officials have done little to curb displacement and community disruption, instead favoring market-driven policies that destabilize communities.

5. As a result of prevailing housing and development policies, Pittsburgh and its surrounding region remain highly segregated by race and class, as documented in the Pittsburgh Neighborhood Project’s [Neighborhood Disadvantage Map](#).⁸ African Americans especially, but also other residents of color, are concentrated in neighborhoods with poor infrastructure and services, often facing disproportionate impacts of gun violence.⁹ This pattern has worsened recently: census data show that African Americans displaced from the City often move to the immediate neighboring, deindustrialized boroughs which have exceedingly poor transit and few to no viable employment opportunities. Although the CERD called on the U.S. government to remedy the problem of housing segregation in its 2014 review, conditions in the Pittsburgh region have worsened notably since then.

6. To desegregate communities and realize more racially equitable outcomes, U.S. federal policies must prevent local governments and planners from discounting the social costs of displacement and must support more concerted action to stop further displacement and remedy past instances and their harmful effects. In addition, all levels of government must work to prevent discrimination against vulnerable groups such as formerly incarcerated people and families with young children. This will require more federal regulation of private actors and resources to support various forms of social housing as well as community land trusts and cooperative housing alternatives.¹⁰

7. Pittsburgh and many other cities continue to rely on market-led policies and on the privatization of public land and housing, *despite extensive research establishing a clear connection between privatization and increased racial inequality*.¹¹ Although housing is a social good that cannot be treated as strictly or even primarily a market commodity,¹² neither the U.S. federal government nor local and regional authorities treat it as such. As a result, local development typically reduces the overall supply of affordable housing,

replacing it with market-rate housing.¹³ Moreover, the needs of families are neglected, which tend to be one- or two-bedroom units geared towards students, young professionals, and seniors.

8. Discrimination also continues in the realm of mortgage lending. A 2021 study showed that, between 2007 through 2019, just 3.5% of bank loans went to Black Pittsburgh residents, and the average amount of loans to Black borrowers was just 15% of that of White borrowers.¹⁴ In the absence of federal policies to encourage greater equity and to remedy past policies of redlining and other forms of discrimination, private lenders channel resources into already advantaged areas. Just 6.8% of private loan dollars went into neighborhoods made up of largely minority residents.¹⁵
9. In its response to the **Committee recommendation [13(a)]**, the U.S. Government claims to be working through the FHA to implement its Affirmatively Furthering Fair Housing (AFFH) policies (par. 8, 9). Experience in Pittsburgh does not support this claim. Advocates continue to push local officials to implement our local AFFH Task Force Recommendations (issued in April 2019)¹⁶ to little effect. Here is a specific instance in which **CERD Committee recommendations, Par. 6**—creating an effective national human rights institution— would improve U.S. compliance with expectations under ICERD.
10. Given this evidence, the U.S. Government’s claim (par. 11) that it must maintain its reservation to ICERD Article 2 is absurd. Private entities involved in housing provision are in fact engaged in public sector activity, since they provide a social good that is distinct from other commodities¹⁷ and rely upon the provision of substantial public land, tax incentives, and subsidies. Their activity must, therefore, be regulated in the public interest. Housing is a social good that cannot be treated as a typical commodity.¹⁸ Moreover, this reservation runs counter to the U.S. government’s international obligation to advance the UN [Guiding Principles on Business and Human Rights](#),¹⁹ as reiterated in the recent Final Report to the U.S. government by the UPR Working Group (Third Cycle)
11. Our work to help ensure that residents have access to affordable, adequate housing demonstrates that government action is needed to prohibit discriminatory acts by private entities, as indicated in CERD Committee Concluding Observations (CERD/C/USA/7-9, par. 5). Moreover, government intervention is needed both to remedy past inequities in the distribution of public and private resources such as mortgage loans and to ensure that current practices yield more equitable outcomes. Advocates in Pittsburgh and elsewhere express concerns that vulnerable groups such as LGBTQ, formerly incarcerated, disabled, and families with young children are particularly harmed by routine discrimination when seeking rental housing.
12. Pittsburgh’s experience reinforces the need for federal action to regulate private entities to protect human rights and racial equity. City measures to regulate practices that produce discriminatory outcomes—by requiring landlords to use rental registries, banning housing discrimination based on source of income (i.e., housing vouchers), and promoting affordable housing through measures such as inclusionary zoning—have been frustrated by a legal

framework that privileges private property over basic rights and state over local authority. Most progressive local initiatives have faced well-funded litigation by interested private parties—often from outside our community. Landlords and their associations fight and often win cases that overturn local attempts to promote affordable housing and prevent discrimination.²⁰ This chills legislative initiatives and advocacy on behalf of human rights and equity and prevents fulfillment of U.S. commitments under CERD.

Recommendations

- A. Develop a human rights-based housing strategy, with attention to the need to and remedy historical discrimination in the housing sector. Former UN Special Rapporteur on Adequate Housing, Leilani Farha, encouraged governments to be pro-active in developing human rights-based housing strategies that serve the needs of all residents and remedy inequities.²¹ Attention to the needs of excluded and vulnerable groups such as children, disabled, and formerly incarcerated residents is essential. The U.S. government should develop such a strategy and should encourage and fund local and state governments in carrying out this work.
- B. Deter, through national policies, local development that forcibly displaces residents from neighborhoods. Supports must be created to aid cities in helping residents to remain in their chosen neighborhoods as properties are re-developed or renovated.
- C. Expand federal funding and policies to promote housing affordability and access—including through the promotion of non-market alternatives.
- D. Implement fair taxation policies that address structural and historical discrimination. Government at all levels relies disproportionately on earned income, property, and sales tax, while income from wealth is less subject to taxation. This system discriminates against working and low-income people of all races, and its effects are disproportionately felt by people and communities of color. A fairer tax system would improve racial equity while also enhancing the capacities of governments at all levels comply with ICERD and other human rights obligations. Local conditions reflect decades of policies favoring small government and low taxes: impoverished and under-staffed local agencies, many of which suffer from inappropriate/limited experience and skills and high staff turnover, cannot effectively monitor or enforce human rights standards. The Keystone Research Center and PA Budget and Policy Center recently issued a [Fair Share Tax Proposal](#) that offers helpful guidance on addressing this important challenge.

Maternal and Reproductive Health

13. The United States has long trailed many other OECD countries in regard to maternal and reproductive health, and racial disparities in health access and care help account for this.²² Pittsburgh's Black maternal mortality rate is higher than that of nearly all (97%) cities of similar size.²³ Additionally, for the city's Black women, 18 of every 1000 pregnancies end in fetal death compared to 9 per 1000 White pregnancies.²⁴ Non-Hispanic Black women had a

pregnancy associated mortality ratio twice that of non-Hispanic White women.²⁵

14. These disparities result from institutional and interpersonal racism, implicit bias among providers, and unequal access to the social determinants of health.²⁶ The long history of institutional racism in American healthcare and education has produced a deep-seated and justified distrust of these institutions among the Black population, which in turn shapes women's decisions about accessing health care of all kinds, including maternal and reproductive care.²⁷ This same mistrust produces other intersecting, discriminatory health outcomes such as racial disparities in the COVID pandemic that have been exacerbated by vaccine hesitancy among African Americans.²⁸
15. Biased treatment from health professionals – whether implicit or explicit – is a well-documented and persistent issue nationwide. Compared with White women, Black women were more likely to report being treated unfairly and with disrespect by providers because of their race, not having decision autonomy during labor and delivery, and feeling pressured to have a cesarean section,²⁹ despite the procedure's associated higher risk for life-threatening complications.³⁰
16. Although the U.S. Government cites a decrease in maternal mortality rates between 2017 and 2018, there was an 18 percent *increase* in maternal mortality between 2019 and 2020.³¹ Racial disparities in maternal/infant mortality remain unchanged, and insufficient resources and attention have been directed to the community level. At the state and federal levels, action to address this preventable issue of maternal mortality has been slow. Since the 2021 introduction of the Congressional Black Maternal Momnibus Act, only two of 11 provisions have been enacted into law.³²
17. The U.S. Supreme Court's *Dobbs* decision erasing the constitutional protection of abortion rights is, according to UN officials, "a monumental setback for the rule of law and for gender equality" that, "without sound legal reasoning...has stripped women and girls in the United States of legal protections necessary to ensure their ability to live with dignity."³³ The Court's decision comes paradoxically at a time when most other countries around the world have "liberalized their abortion laws to respect and uphold women's human rights to life, health, equality and non-discrimination, privacy and freedom from violence and torture, cruel, inhuman and degrading treatment."³⁴ Given the already stark racial health disparities in the United States, experts consistently predict that Black women will suffer additional harms as a result of this decision.³⁵
18. In Pennsylvania, Black patients represented 44% of the 32,123 abortions performed in 2020.³⁶ The recent decision will most certainly increase the already tragic maternal mortality rates in our region. The decision will exacerbate racial disparities in maternal mortality: studies show that banning abortions nationwide would lead to a 21% increase in the number of pregnancy-related deaths overall and a 33% increase in pregnancy-related death among Black women.³⁷ Carrying a pregnancy to term is 33 times riskier than abortion, and Black women are particularly vulnerable due to the racial discrimination and deprivations that is widespread in the U.S. health care system.³⁸

Recommendations

- E. Take all available measures to mitigate the effects of the *Dobbs* decision to protect comprehensive reproductive health rights for all and to mitigate the disproportionate harms to Black women and families.³⁹
- F. Improve procedures for collecting, standardizing, and reporting on maternal health, infant deaths, and disparities in mortality rates. While 49 states and several large cities have formal review requirements,⁴⁰ more locally granular and accessible data are urgently needed to address health disparities.
- G. Make maternity care coverage universal and comprehensive and pass more elements of the Black Maternal Health Momnibus Act of 2021.⁴¹
- H. Expand federal support for affordable and accessible Doula/Midwifery care to low-income, Black women/birthing people.⁴² Doulas can be helpful liaisons in building trust and ensuring that Black women/birthing people feel safe and their voices heard throughout their pregnancy and births.^{43, 44} Providing doulas to support Black mothers during pregnancy and birth could reduce the frequency of adverse maternal and infant outcomes that contribute to infant mortality and shrink the gap in infant mortality between Black and White women.⁴⁵
- I. Remedy state variations in scope-of-practice rules for health care practitioners, low reimbursement rates for midwives, and payment parity that have reduced affordability and access to care.⁴⁶

Environmental Justice

- 19. Southwestern Pennsylvania's economy has long depended on highly polluting fossil fuels, which have decimated the region's land, air and water,⁴⁷ with tremendously destructive impacts on the health of all residents. People of color and low-income communities are most impacted. A 2019 Carnegie Mellon University study estimated that air pollution from shale gas development activities in Pennsylvania, Ohio and West Virginia has resulted in as many as 4,600 premature deaths in the region between 2004 and 2016, with disproportionate impacts on communities of color.⁴⁸
- 20. Pittsburgh's most polluted census tracts are in poor and minority neighborhoods, while those with the cleanest air tend to be in wealthier and Whiter neighborhoods, exacerbating racially discriminatory health outcomes of all kinds. About 40 percent of air pollution-related coronary heart disease deaths in Allegheny County occur in communities with high poverty rates and large concentrations of minority residents—even though such communities represent just 27 percent of the county's total population.⁴⁹
- 21. The air quality in Pittsburgh and surrounding regions remains among the worst among national metro areas according to the American Lung Association.⁵⁰ Black communities in Pennsylvania are twice as likely to be near an existing power plant as lower-income White

communities. In fact, 85 percent of Pennsylvania’s power plants are located in neighborhoods with more low-income and Black families than the state median.⁵¹ Racial minorities suffer the worst effects of this. More than a third (35%) of children that live near the Braddock and Clairton Steel Mills have asthma.⁵² Furthermore, these and surrounding communities are also impacted by high levels of violent crime, which is associated with increased air pollution.⁵³

22. The borough of Braddock, adjacent to Pittsburgh, was once home to one of the area’s most productive steel mills. Today that mill, the Edgar Thomson Steel Works, employs fewer than 1000 workers, leaving many remaining residents with few employment opportunities and poor health. More than 60% of Braddock residents are Black, and the community poverty rate is 30%. Nearly three-quarters of homes are at risk for lead paint. Residents of Braddock report high rates of asthma, eczema, stillbirths, cancers, and other illnesses associated with industrial pollution.
23. Clairton is 15 miles south of Pittsburgh and Black residents make up 40% of the population, which is largely concentrated around the Clairton Coke Works. Air quality in this area consistently ranks among the worst in the nation, producing a childhood asthma rate over 22%—nearly triple the national average—and an excess lifetime cancer risk from industrial sources 2.3 times higher than EPA-maximums. Clairton Coke Works contributes about 98.7% of that increased lifetime cancer risk.⁵⁴
24. These extensive and disproportionate harms persist despite a guarantee in [Pennsylvania’s State Constitution \(Sec. 127\)](#) that “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.” Federal, state, and local authorities have done an abysmal job regulating polluters. We attribute this to three major factors: 1) weak federal and state environmental protection policies coupled with strong constraints on local authorities seeking to regulate polluters; 2) corrupt influence of business/corporate actors in local governments; and 3) long-term practices depriving regulatory agencies of authority and capacity to effectively monitor and enforce health regulations, particularly where large corporate polluters are involved. As a result, between 2012 and 2015, there were 6,700 documented air permit violations by U.S. Steel’s Clairton Coke Works—an average of more than *six violations per day*.⁵⁵ Clearly what regulation is in place is not deterring polluters like U.S. Steel, and the harms are disproportionately borne by communities of color and our most vulnerable residents.
25. In late December 2018, an explosion at the Clairton Coke Works released unfiltered pollutants, including excessive amounts of SO₂, into the air. Residents weren’t notified for 16 days.⁵⁶ Although the Allegheny County Health Department has recently heightened its vigilance and issued more fines against the company, these are often too low to serve as effective deterrents. Moreover, U.S. laws enable corporations to appeal fines and avoid substantial payments.⁵⁷
26. Lead pollution remains another threat to people of color in this region. The 2018 Childhood Lead Surveillance Annual Report showed elevated lead levels for non-Hispanic Black and

Hispanic children.⁵⁸ Non-Hispanic Black children and Hispanic children were 3.8 times more likely to have confirmed elevated lead blood levels than their non-Hispanic White counterparts in Allegheny County.⁵⁹

27. The U.S. Government is improving race-sensitive data collection, and the Centers for Disease Control and Prevention is working to identify at-risk communities and to incorporate justice, equity, diversity, and inclusion into climate adaptation planning. These are positive steps, but they are insufficient to improve long-standing structured, discriminatory outcomes. Furthermore, the recent Supreme Court decision in *West Virginia et al. v. Environmental Protection Agency et al.* further weakens U.S. regulatory authority and thus undermines its ability to comply with CERD provisions (as in CERD Committee Conclusions, par. 10(a)).

Recommendations

- J. Take immediate steps to curb if not end ongoing environmental harms that disproportionately impact communities of color and low-income communities.
- K. Develop robust legislation to improve the United States' ability to fulfil its international obligations to reduce greenhouse gas emissions, restoring authority gutted by the Supreme Court.
- L. Strengthen legal and regulatory infrastructure to improve protection of the environment and people's health. Ensure equitable enforcement of environmental guidelines.

Gun violence

28. In the United States, gun violence traumatizes communities of color especially, and Pittsburgh is no exception. Gun violence has spiked in the past two years, claiming a significant number of young lives. Black people are disproportionately involved in gun-related deaths: Black men constituted the majority of Pittsburgh gun deaths in both 2021 and 2022,⁶⁰ and 81% of the victims were Black.⁶¹ Community advocates and Mayor Ed Gainey have stepped up attention to the problem of gun violence,⁶² but local efforts to regulate gun possession in the city have been overturned by the Pennsylvania Commonwealth Court.⁶³
29. These trends show the failure of the U.S. Government to take meaningful action to regulate firearms and otherwise reduce gun violence. State and local efforts to do so were recently ruled unconstitutional by the US Supreme Court in *Bruen*. Communities with high rates of gun violence also suffer from high-poverty rates, unemployment, and poorly funded schools.⁶⁴ Such neglected neighborhoods are more likely to have high levels of distrust in the legal and political system that are exacerbated by the fear and trauma resulting from frequent gun violence.⁶⁵ Priorities should be both reversing long-standing disinvestment from poor neighborhood, enhancing the mental health services to communities traumatized by gun violence,⁶⁶ and building trust between police and other authorities and Black communities—especially young people.⁶⁷

30. The trauma of gun violence also impacts students' ability to learn and perform in school.⁶⁸ According to the National Child Traumatic Stress Network, constant exposure to traumatic events, directly or indirectly, can adversely affect a child's attention, ability to focus and process information, and result in overwhelming feelings of frustration and anxiety, among other effects.⁶⁹ These can lower students' academic performance, increasing the possibility of dropping out and resulting in more suspensions and expulsions.⁷⁰ In Pittsburgh, Black students are five times more likely to be suspended than White students, and they have poorer educational outcomes⁷¹—something we attribute to their disproportionate exposure to neighborhood violence.⁷²
31. The recent U.S. Bipartisan Safer Communities Act (S.2938) is a very small but still inadequate step in adopting the Committee recommendation that U.S. government expand background checks, prohibit open carry, and increase transparency in gun crime data (CERD Conclusions, par. 16). With the Tiahrt Amendments still in effect, there is no increase in transparency in gun crime data, the 24-hour destruction of gun purchaser records remains, and the prohibition of gun dealer inventory reporting still stands.

Recommendations

- M. Improve federal gun control legislation and empower municipalities to regulate firearm possession in localities. This includes increasing transparency through the repeal of the Tiahrt Amendments (as per the CERD Committee's recommendation in par16) and ending the federal ban on gun violence research funding. Research on gun violence is an urgent public health requirement and key to addressing racial disparities.
- N. Strengthen protections for social, economic and cultural rights ([as recommended by the UPR 2020](#)) to help reverse long-standing disinvestment from poor neighborhoods and expand economic opportunities through more pro-active policy initiatives and public investments in these communities. Prohibit economic development projects that displace residents and essential neighborhood businesses from communities.
- O. Address the mental health needs and trauma faced by many communities of color, through federal supports for community-based programs such as Pittsburgh's [Neighborhood Resilience Project](#)⁷³ and [The Hear Foundation](#), founded by Leon Ford, an activist and survivor of a 2012 police shooting and Scott Schubert, the outgoing chief of the Pittsburgh Bureau of Police.⁷⁴

Policing & the Criminal Justice System

32. A community task force charged with reviewing Pittsburgh policing practices following the 2020 murder of George Floyd and subsequent mass protests recently concluded that:

Racial disparities pervade every aspect of routine police enforcement activity in Pittsburgh. ...The central data examined here, coming from the [Pittsburgh Bureau of Police] itself in its annual reports and the information the Bureau

*provides to the Department of Human Services, permits no other conclusion, and in most categories, these disparities are widening—that is, they are getting worse as time goes on, not better.*⁷⁵

33. The treatment of the Black community in Pittsburgh by police contributes to and exacerbates the disadvantages and poor health outcomes described in other sections of this report. Here we highlight some of the data that informs the statement above:

- a. Black residents were far more likely to face arrest by police than White residents: In 2020, Black males were arrested at 6.2 times the White male rate, and Black females were arrested at 4.3 times the White female rate.⁷⁶
- b. Pittsburgh Bureau of Police (PBP) policy grants individual officers discretion in decisions about civilian marijuana offenses, resulting in Black males accounting for 85% of all marijuana arrests.⁷⁷
- c. In Allegheny County, Black teens are 20 times more likely to be charged as adults compared with White teens.⁷⁸
- d. Black teens in the county accounted for about 85 percent of children charged in adult court, 91% of those referred for prosecution, nearly 97% of those who received an adjudication, and 100% of all children sentenced to either jail or prison.⁷⁹
- e. In 2021 Black individuals represented over 65% of the Allegheny County incarcerated population held in solitary confinement.
- f. Roughly 34 of every 1,000 Black adults were booked in Allegheny County jail for any reason in 2021, compared with approximately 4.5 of every 1,000 White adults.⁸⁰
- g. Between May 11 and June 8, 2020, Black men in Allegheny County, who make up less than 7% of the population, were assigned 39% of the over \$5 million total amount of bail assigned during the studied period.⁸¹
- h. The Allegheny County Jail, located within the City of Pittsburgh and disproportionately housing Black inmates, systematically violates the U.S. Constitution and the Americans with Disabilities Act for failing to provide adequate mental health care and for discriminatory and brutal treatment—including prolonged solitary confinement and routine excessive force—of people with psychiatric disabilities.⁸²
- i. More than 60% of the time force is used by police, it is used against Black Pittsburghers.⁸³
- j. A recent Associated Press investigation found that hundreds of Pittsburgh-area police used a private Facebook group to share racist posts and mock victims of police brutality.⁸⁴

34. Such routine and extreme patterns of discriminatory behavior by a legal system that should be enhancing community security and safety has instead undermined overall community trust and safety, fueled political polarization in U.S. society, and undermined the health of cities and communities. Moreover, the disproportionate incarceration of African American males, coupled with various restrictions placed on returning citizens, destabilizes whole neighborhoods while depriving families of income and social supports. Such deprivations have harmful intergenerational impacts on Black families and on the wider community.⁸⁵

35. The PBP has made few and ineffective attempts to improve its relationship with Black Pittsburghers.⁸⁶ And for their part, local governments like Pittsburgh are often prevented by the labor contracts negotiated through the Fraternal Order of Police (FOP) from taking meaningful steps to improve community policing. For instance, despite efforts by the City of Pittsburgh to respond to community demands for police reform during the wave of nationwide protests in response to the police killing of George Floyd, legal contracts that govern the PBP have prevented such actions here and in other cities. And despite the widely recognized need to improve trust between police and communities, cities like Pittsburgh have been prevented from implementing residency requirements on police officers.⁸⁷ Finally, as we discuss below, investigations and disciplining of officers charged with abuses are carried out within the Bureau itself, with relatively few cases resulting in official charges or disciplinary actions.⁸⁸
36. PBP policy is not demonstrating action to eliminate racial profiling in practice (Committee recommendation Par. 8 a,b). The Citizens Police Review Board’s 2022 report states that in Pittsburgh, of the 7,872 arrests made in 2020, 65.3% were of Black people. This means that Black individuals were overrepresented in arrests by a factor of 2.9, and they were the only racial demographic that was overrepresented, regardless of arrest category.⁸⁹ Furthermore, regarding stop-and-frisk interactions; the PBP’s 2021 report showed that of the 2,182 warrantless search and seizures done by officers, about 72% were among Black residents.⁹⁰ In 2019, Black males were frisked during traffic stops nearly 10 times more than White males and were 9.2 times more likely to experience field searches/warrantless searches and seizures, by Pittsburgh Police than White males.⁹¹
37. In Pittsburgh young Black men are highly over-represented in arrest statistics (Committee recommendation Par. 21). The Citizen’s Police Review Board reports that the racial disparities are clear across all ages, but the age group of under 18 is of particular concern: 87.5% of those arrested who were under 18 were Black,⁹² and Blacks between 19-29 were arrested at 10.2 times the White rate.⁹³
38. Pennsylvania and Pittsburgh in particular stand out as places where Black youth are criminalized and disproportionately targeted for punishment. The ACLU documents that in Pennsylvania Black girls are five times as White girls to face arrest while at school.⁹⁴ Allegheny County students—and in particular those in Pittsburgh Public Schools (PPS)— are arrested more often than anywhere else in Pennsylvania, which itself had the second highest rate of student referrals to law enforcement in the country in the 2017-2018 school year.⁹⁵ Black students at PPS are arrested at more than four times the rate of White students.^{96,97} Moreover, rights advocates have pointed out that schools have not provided adequate support for students’ mental and developmental needs, relying far more on police than on counselors and mental health workers to address student behavioral challenges.⁹⁸
39. Regarding **Committee recommendations** (par. 17 a: ***“Ensure that each allegation of excessive use of force by law enforcement officials is promptly and effectively investigated; that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate***

sanctions; that investigations are re-opened when new evidence becomes available; and that victims or their families are provided with adequate compensation” & c: “Improve the reporting of cases involving the excessive use of force and strengthen oversight of, and accountability for, inappropriate use of force”), data assembled by Pittsburgh’s Alliance for Police Accountability⁹⁹ demonstrates that in Pittsburgh at least, efforts to take action on these CERD recommendations have been completely absent:

- a. Of the 3,950 allegations of misconduct leveled against Pittsburgh police officers from 2010-2020, the Office of Municipal Investigations (OMI) sustained only 10.6% of the allegations.
 - b. There are currently 101 Pittsburgh police officers who have faced at least ten allegations of abuse or misconduct, with just 22 of them having five or more such accusations sustained by the Office of Municipal Investigations (OMI).
 - c. One Pittsburgh police officer alone has been the subject of 119 allegations of misconduct since 2010.
 - d. Sustained allegations do not necessarily result in disciplinary action, as this is often left to the discretion superiors.
40. This evidence clearly points to the need for significant improvements in holding accountable the officers and prison officials charged with discriminatory and violent actions. Existing disciplinary policies and procedures have proved incapable of preventing racially discriminatory outcomes.
41. In addition to discriminatory treatment by police, Black residents are also disproportionately harmed by practices in Allegheny County Jail which routinely makes local headlines for abuses including solitary confinement, poor health care and spread of COVID-19, and unsanitary and unsafe conditions. In March 2021, [PublicSource reported on the frigid temperatures experienced by many of those incarcerated at the ACJ](#). In May 2021, the *Pittsburgh Current* wrote of the [unsafe and unsanitary conditions in the ACJ kitchen](#), including infestations of rats, mice, roaches, black mold, and poor drinking water.
42. In January 2022 the *Pittsburgh Post-Gazette* reported on possible solitary confinement abuses at the ACJ, following a recent referendum that now bans the practice.¹⁰⁰ The Jail Oversight Board documented 294 instances of segregation (where an inmate is confined to a cell for more than 20 hours) with some incarcerate people spending up to 31 days in segregation.¹⁰¹ Furthermore, among other documented abuses ACJ has used the restraint chair more than any other county jail in Pennsylvania, and there have been concerns about its misuse.¹⁰² Former medical and mental health employees of ACJ have spoken out about the facility’s harmful practices including administering medication late or not at all, and one employee described the jail’s mental health care as, “nonexistent.”¹⁰³

Recommendations¹⁰⁴

P. End police targeting of African Americans for traffic stops, pedestrian stops, searches, and arrests and end arrests for low-level offenses, such as possession of small amounts of marijuana.

Q. Support the diversification of community safety tools to reduce the deployment of police to situations involving mental health crises. Enhance the use of social workers available to intervene in mental health, drug addiction, homelessness, domestic conflict, and other behavioral situations.

R. Re-allocate public funding for community health and safety away from spending on police, jails, and prisons, and towards investments in policies and programs that address the underlying sources of violence and crime. As the [Center for Constitutional Rights argued in its submission to this Committee](#), “the complete divestment from the U.S. system of discriminatory policing, incarceration and surveillance and the commensurate public investment in the safety and well-being of racialized communities is necessary for the U.S. to be able to abide by its obligations under the UN CERD.”¹⁰⁵

S. Improve federal policies to ensure consistent, human-rights driven policing policies and methods of accountability across U.S. localities. In particular, the relationships between public authorities and the Fraternal Order of Police must be examined for its compatibility with U.S. obligations under CERD.

Immigration Policies & Immigrant Detention Facilities

43. The U.S. government’s restrictive immigration policies and policies related to administration/ access to justice and detention have imposed unnecessary excess burdens on immigrant families in the Pittsburgh region. (CERD, par. 18(b); CERD art. 2, 5 & 6)
44. Earlier in 2022, the U.S. Executive Office for Immigration Review closed its Pittsburgh office.¹⁰⁶ This requires the growing number of immigrants living in Pittsburgh¹⁰⁷ and across Western Pennsylvania to either travel over three hundred miles to the office in Philadelphia or navigate an exceedingly complex administrative system.¹⁰⁸ Closing the office places additional burdens on immigrants and their attorneys. Although there is an option to have their cases heard remotely, the disproportionate gap in connectivity for immigrant households is just one factor making this an inadequate solution.¹⁰⁹
45. U.S. authorities recently allowed migrant women to be housed at the ICE Berks County Residential Center (BCRC) in eastern Pennsylvania. This facility has a track record of harm, abuses, and sexual violence, and in 2020 Berks County paid out a \$75,000 settlement to a Honduran woman to avoid trial on her allegations of repeated sexual assault at BCRC.¹¹⁰ Advocates fear that using BCRC as a women’s-only facility will enable further sexual assault and medically invasive gynecological procedures, including forced sterilization—as has been documented at other all-women detention centers.¹¹¹ The Pennsylvania Immigrant and Citizenship Coalition argues that President Biden has clear authority to permanently close the Berks immigrant prison and release detainees by canceling the ICE contract with Berks County, but he has allowed the continued violation of the rights of immigrants through detention—which are worsened in this context of documented threats of sexual abuse.¹¹²

46. Just two hours northeast of Pittsburgh, Clearfield County commissioners recently approved a five-year contract with ICE and the privately-run GEO group to re-open Moshannon Valley Correctional Center to house immigrant detainees.¹¹³ There is extensive, well-documented evidence of abuse against people in immigration detention, including in facilities here in Pennsylvania and in facilities managed by [GEO Group](#).¹¹⁴ Detention for those seeking asylum is dehumanizing, dangerous, and racially discriminatory. Although President Biden signed an executive order to end all Department of Justice contracts with private prison companies like GEO, this order does not yet apply to the Department of Homeland Security, allowing ICE to continue to contract with private prisons in Pennsylvania and across the country.¹¹⁵

Recommendations

- T. Improve federal oversight and enforcement of human rights protections in all operations under the Department of Homeland Security and its Immigrant and Customs Enforcement agency (ICE). Ensure that all federal employees receive routine training on human rights laws and guidelines relevant to their work.
- U. End all federal contracts with private prison companies and other contractors implicated in human rights violations.

Xenophobia, White supremacy and hate crimes

- 47. In recent years Pittsburgh has become a focal point for white supremacy and extremists according to the FBI.¹¹⁶ Pittsburgh is home to six hate groups flagged by the Southern Poverty Law Center, which also traced an additional ten such groups to the state of Pennsylvania.¹¹⁷ In 2020, 100 members of neo-Nazi group The Patriot Front marched through downtown Pittsburgh chanting "Conquer or Die."
- 48. The city's Asian population rose by 47%, and the number of residents identifying as two or more races almost doubled over the decade.¹¹⁸ Marian Lien, president of the Pittsburgh chapter of the Organization for Chinese Americans reported that "The types of racism that we faced prior to the pandemic were more subtle. It's an intensity now that is scary." Asian residents of Pittsburgh reported a significant rise in hate speech and verbal abuse coinciding with the pandemic. There are also growing instances of physical violence against Asians and Asian Americans.¹¹⁹
- 49. Citing First Amendment protections, federal authorities have not done enough to either regulate online hate speech or support anti-racism education,¹²⁰ and in fact have allowed new challenges to such preventive work through education informed by critical race theory.

Recommendation

- V. Take action at the national level to prohibit and sanction hate speech in all public arenas—including online spaces—and to promote human rights education and learning that reduces the resonance of such speech in the public realm.

Conclusion

This overview of the lived experience of Pittsburgh’s Black, Indigenous and other people of color residents shows a long-standing, consistent, and ongoing pattern of racialized discrimination that the U.S. legal system has failed to address. Moreover, the denial of social, economic, and cultural rights in addition to civil and political protections prevents racialized groups from full participation in political and community life. In a context of growing polarization and rising threats to basic livelihoods, human rights defenders in Pittsburgh are urging the CERD Committee and other world leaders to take more concreted action to assist us by intensifying efforts to improve the compliance of the U.S. government with its human rights obligations under ICERD and other international standards and conventions.

End Notes

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