

Committee on the Elimination of Racial Discrimination
Concluding observations on the 10th-12th reports of the United States (Aug. 30, 2022)

SUMMARY OF LOCALLY APPLICABLE RECOMMENDATIONS

*Earlier this year, the United States underwent a formal review of its compliance with obligations under the [Convention on the Elimination of all forms of Racial Discrimination](#) (CERD). The [CERD Committee's Final Report](#) details recommendations that the U.S. government is expected to respond to by November 2025 or earlier (several issues require responses after one year). This set of recommendations is a legal document expressing the global community's expectations of the U.S. government, and successful fulfillment of U.S. responsibilities requires action at all levels of government. Thus, **these recommendations authorize and give legitimacy to actions at local and state levels that help fulfill U.S. treaty obligations under CERD, even if those actions are inconsistent with existing U.S. laws.***

Below we provide excerpts from recommendations that can be applied in the contexts of local as well as county and state governments. These selections are intended to guide human rights advocates in their work to promote public awareness and to otherwise improve local, state, and national level compliance with the provisions of the International Convention on the Elimination of all forms of Racial Discrimination.

Topic	Text	Ideas for local action (State/Local)
Implementing CERD in legislation	Par. 4. ensure the consistent application of the provisions of the Convention at the federal, state and local levels, including by adopting specific legislation implementing the Convention	CERD Cities campaign (similar to CEDAW Cities campaign)
Disparate Impact	Par. 5. prohibit racial discrimination in all its forms—including indirect discrimination—and ensure effective protection against any form of racial discrimination and any unjustifiably disparate impact.	
Regulate private actors	Par. 7. broaden protections against all discriminatory acts perpetrated by private individuals, groups or organizations.	
Special measures (affirmative action)	Par. 9. adopt and strengthen the use of special measures as a tool to eliminate the persistent disparities in the enjoyment of human rights by racial or ethnic minorities, on the basis of prior consultation with, and the active participation of, affected communities.	
National action plan	Par. 13. adopt a national action plan to combat systemic racism ...in a coherent and comprehensive manner.	Local action plan (i.e., Coalition of Cities Against Racism)
Hate crimes	Par.15. strengthen efforts to combat racist hate crimes and hate speech effectively through mandatory training to law enforcement officials and declaring illegal and	

	prohibiting organizations that promote and incite racial hatred.	
Gun violence	Par. 17. strengthen legislative and policy measures and implementation to prevent and reduce gun violence.	
Racial profiling	Par. 19. intensify efforts to effectively combat and end racial profiling by law enforcement officials through legislation and policy reform, improved data collection on incidents of racial profiling, and through ending immigration enforcement programmes and policies that indirectly promote racial profiling. Par. 19 Improve mechanisms for holding those responsible for racial profiling accountable and providing effective remedies to the victims.	
Excessive use of force by police	Par. 21. Ensure that legislation regulating the use of lethal force by law enforcement officials is in line with international law and international standards. Par. 21. Improve reporting and investigation of cases involving excessive use of force and ensure that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; and that victims or their families are provided with adequate compensation. This should be done through strengthened independent oversight bodies, adequate and continuous training to law enforcement officials and data collection and reporting is disaggregated by age, sex, race and ethnicity of the perpetrators and the victims.	
Peaceful assembly	Par. 23. ensure the exercise of the right to peaceful assembly without any discrimination on the grounds of race, colour, descent, or national or ethnic origin. Adopt legislation and strengthen measures to protect human rights defenders, including those working on the rights of racial and ethnic minorities, Indigenous Peoples, and non-citizens.	
Voting rights	Par. 25. facilitate access to voting and eliminate unreasonable restrictions to the exercise of the right to vote, particularly those affecting ethnic and racial minorities and Indigenous Peoples; take all necessary measures to ensure that every person can effectively exercise their right to vote; Par. 25. reinstate voting rights for persons convicted of felony who have served their sentences or are on parole;	

<p>Criminal justice system and juvenile justice system</p>	<p>Par. 28. take concrete and effective measures to eliminate racial disparities at all stages of the criminal justice system and the juvenile justice system, by, <i>inter alia</i>: Amending laws and policies leading to racially disparate impacts and by repealing existing racially biased laws and policies.</p> <p>Par. 28. Reduce unnecessary criminal justice interactions, including by avoiding overpolicing and advancing alternatives to arrest and incarcerations for minor offences.</p> <p>Par. 28 Address the disparate impact of collateral consequences of the criminal justice system on racial and ethnic minorities.</p>	
<p>Education</p>	<p>Par. 32. Intensify its efforts to ensure equal access to education by: set concrete goals, timelines and impact assessment mechanisms to reduce socio-economic and racial segregation in schools and communities.</p> <p>Par. 32. Rectify funding disparities to public schools and reduce disproportionate impacts on low-income communities.</p> <p>Par. 32. Address racial discrimination in the administration of student discipline.</p>	
<p>Maternal mortality and sexual and reproductive health</p>	<p>Par. 36. Eliminate racial and ethnic disparities in sexual and reproductive health and rights and reduce the high rates of maternal mortality and morbidity affecting racial and ethnic minorities, including through midwifery care.</p> <p>Par. 36. Adopt all necessary measures to address the profound disparate impact of <i>Dobbs v JWHO</i> on women of racial and ethnic minorities, Indigenous women and those with low incomes, and provide safe, legal and effective access to abortion (see WHO abortion care guidelines).</p>	<p>REPORT DUE IN 2023</p>
<p>Housing</p>	<p>Par. 38. Combat discrimination in housing and ensure the availability of affordable and adequate housing for all by strengthening implementation of Fair Housing Act, affirmatively furthering fair housing, and protections against discriminatory effects.</p> <p>Par. 38. Investigate cases of discriminatory mortgage lending and redlining practices by private actors, holding those responsible accountable and providing effective remedies for the people affected.</p>	

Housing (continued)	Par. 38. Eliminate residential segregation, including by addressing the impact of exclusionary zoning and land use laws and practices.	
Homelessness	Par. 40. Decriminalize homelessness Par. 40. Redirect funding from criminal justice responses to services and supports for persons belonging to racial and ethnic minorities most affected by homelessness.	
Food	Par. 42. Take all necessary measures to guarantee the right to adequate food, and adopt a comprehensive and rights-based national plan to end hunger.	
Child welfare	Par. 44. Eliminate racial discrimination in the child welfare system.	
Environmental policy and climate change	Par. 46. Guarantee that federal legislation prohibiting environmental pollution is effectively enforced at state and local levels. Par. 46. Adopt moratoriums on the authorization or expansion of heavy industry facilities such as on petrochemical plants. Par 46. Conduct thorough investigations into cases of environmental polluting activities affecting racial and ethnic minorities, holding those responsible accountable and providing effective remedies for the victims.	
Violence against women	Par. 48. Redouble efforts to prevent and combat violence against women, particularly Indigenous women, migrant women, and women of African descent. Par. 48. Ensure that all cases of violence against women are effectively investigated, perpetrators are sanctioned, and victims are provided with adequate remedies and services.	
Indigenous peoples	Par. 50. Indigenous Peoples were victims of colonialism and continue to be victims of its consequences, and governments must honor treaties, strengthen consultative mechanisms, and guarantee the principle of free, prior, and informed consent, as well as the right of Indigenous Peoples to be consulted on any legislative or administrative measure that may affect their rights. Par. 50. Protect the rights of Indigenous Peoples from adverse impact by extractive industries and infrastructure projects.	REPORT DUE IN 2023

<p>Migrants and refugees</p>	<p>Par. 52. End mandatory detention and ensure due process for all non-citizens detained, without discrimination, including access to legal counsel.</p> <p>Par. 52. Discontinue criminal prosecutions of non-citizens for irregular entry, including asylum seekers and provide all non-citizens with sufficient procedural guarantees to consider their applications for international protection.</p>	<p>REPORT DUE IN 2023 <i>? This could be read to authorize local actions to resist ICE enforcement and/or provide local authorization for non-citizen residency?</i></p>
<p>Access to legal aid</p>	<p>Par. 54. Address the disproportionate impacts of systemic inadequacies in criminal defence programmes for indigent persons belonging to racial and ethnic minorities.</p> <p>Par. 54. Ensure effective access to legal representation for indigent persons belonging to racial and ethnic minorities in civil proceedings, especially in cases of evictions, foreclosures, discrimination in employment, domestic violence, loss of child custody, termination of subsistence income or medical assistance, and deportation.</p>	
<p>Redress for legacies of the past</p>	<p>Par. 56. Develop reparations proposals for people of African Descent.</p>	
<p>Education to combat racial discrimination</p>	<p>Par. 58. Ensure that human rights education, including on the history of colonialism and slavery and their legacies is part of the curriculum at all school levels.</p>	
<p>Further Steps</p>	<p>Par. 62. Implement the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and Durban Review Conference Outcome Documents.</p> <p>Par. 63. Implement program of activities for the International Decade for People of African Descent</p>	