

Human Rights and Race

TIER 2, MODULE 3

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Our Workshop Goals

- **An introduction to the Convention on the Elimination of All Forms of Racial Discrimination**
- **Rate how well US is complying and upholding CERD**
- **Identify where we see progress, &/or where we see racial discrimination happening**
- **CERD committee observations and recommendations**
- **Applying CERD to our work – in our personal/professional context to create impact for the common good?**

Working Agreements

- **Participate fully**
- **Speak your own truth (use “I” statements)**
- **Share the air-time**
- **Make space & Take space, for a Brave space**
- **Take some risks & Support risk- takers**
- **Ask questions**
- **Expect & Accept Non-closure**
- **Honor privacy and confidentiality**
- **Start and end on time**

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

RATIFIED BY USA
(1965/1969)

Major Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Article 1: Defines racial discrimination and the scope of the convention

Article 2:

1. Condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races...

2. Take special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

(Note: The US has stated a reservation to article 2)

Article 3: Condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature

Article 4:

States parties:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also, the provision of any assistance to racist activities, including the financing thereof.

(b) Shall declare illegal and prohibit organizations, and also, organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law.

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Note: The U.S. has stated a reservation to this article based on First Amendment rights.

Article 5

- a) The right to equal treatment before the tribunals and all other organs administering justice**
- b) The right to security of person and protection by the State against violence or bodily harm**
- c) Political rights**
- d) Civil rights**
- e) Economic, Social and Cultural Rights**
- f) The right of access to any place or service intended for use by the general public**

Article 7:

- ❑ States Parties shall undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.

The Committee on the Elimination of Racial Discrimination (CERD)

Article 8- 1.

There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

Article 9-2.

The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

CERD Poll: on a scale of 0 - 10

where 0 means *“not at all”*, and 10 means *“completely”*...

1) Rate how well the USA is complying with our obligations under CERD.

○ *Why do you rate the USA that way?*

▫ *Where do you notice racial discrimination happening?*

2) Rate how well your state or local community is upholding its obligations under CERD.

○ *Why do you rate your community that way?*

Where do you notice racial discrimination happening at the state or local level?

Examples from

**The Concluding Observations
of the
Committee on the Elimination
of Racial Discrimination**

United States of America

Overall

- ❑ Take special measures to eliminate persistent disparities; ensure the adequate development and protection of members of racial, ethnic and national minorities.
- ❑ Consider: the prohibition of all ideas based upon racial superiority or hatred *is compatible with* the right to freedom of opinion and expression.

Education

- ❑ End *de facto* segregation and racial inequalities
- ❑ Reduce the persistent educational “achievement gap” ... by improving the quality of education
- ❑ Review “zero tolerance” school discipline policies. Limit suspension or expulsion to the most serious case.

Housing

- ❑ Provide public housing complexes outside poor, racially segregated areas
- ❑ Intensify efforts aimed at reducing residential segregation and its negative consequences
- ❑ Eliminate obstacles that limit affordable housing choice and mobility for Section 8 beneficiaries

Employment & Health

- ❑ **Combat de facto discrimination.**

E.g., Increase the use of “pattern and practice” investigations.

- ❑ **Address persistent health disparities and eliminate obstacles**

E.g., lack of health insurance, unequal distribution of health care resources, persistent racial discrimination, poor quality of public health care services.

Criminal Justice System

- ❑ **Stark racial disparities, including the disproportionate number of persons belonging to racial, ethnic and national minorities in the prison population, are factual indicators of racial discrimination.**
- ❑ **Take all necessary steps to guarantee the right of everyone to equal treatment, including implementing national strategies or plans of action aimed at the elimination of structural racial discrimination.**

Accountability & Awareness

- Hold transnational corporations registered in the U.S. accountable for acts which negatively impact on the enjoyment of rights of indigenous peoples outside the U.S.
- Organize broad public awareness and education programs on the Convention and its provisions. Comply with the “Right to Know Our Rights.”

Application:

How can
we use
this?

- ❖ *Do these observations ring true? Are they relevant?*
- ❖ *How does racial discrimination get justified?*
- ❖ *Why are human rights not always part of the conversation on race?*
- ❖ *How can we apply human rights and CERD in our personal and professional work? (At a national, state or local level?)*