

A Guide to the 2014 CERD Concluding Observations to the United States

This document distills and summarizes the recommendations that the UN Committee on the Elimination of Racial Discrimination made to the United States in 2014.

Introduction

On August 13 and 14, 2014, the UN Committee on the Elimination of Racial Discrimination (hereafter, the Committee) reviewed the United States Government's record under the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (commonly known as ICERD or CERD).

During the review process, the Committee received reports and heard testimony from over 100 organizations. Among the civil society delegation were people directly impacted by human rights violations, including Ron Davis and Sybrina Fulton, whose sons (Jordan Davis and Trayvon Martin, respectively) were shot to death in Florida, one of many states with Stand Your Ground laws on the books. In both cases, the justice system has failed them. Civil society refers to the collective participation of individuals and organizations that do not represent the government or business sectors. Civil society submitted its reports (those submitted through USHRN can be [found here](#)) and testimonies to give the Committee an accurate picture of racial discrimination in the United States. The U.S. Government (USG) also submitted an [official report](#) to the Committee describing how it is complying with CERD. Often, the picture that civil society painted was markedly different than that of the USG.

Based on an in-person meeting with the USG and the information provided in the reports and testimonies, the Committee released its [Concluding Observations](#). The Concluding Observations are addressed directly to the USG and note: progress made by the USG on efforts to eliminate racial discrimination; concerns about the prevalence of racial discrimination; and recommendations for combating racial discrimination more actively and effectively in order to fully comply with CERD. The last time the USG was reviewed was in 2008; the Committee also issued Concluding Observations [then](#). The Committee referenced its 2008 recommendations several times in the 2014 Concluding Observations. It also referenced its general recommendations, which are the Committee's explanations and clarifications of the provisions of CERD.

Overview of Positive Aspects, Concerns and Recommendations

Below are the major topic areas that the Committee addressed in the Concluding Observations. The recommendations and concerns listed in each topic area here do not represent the full breadth of issues covered in the Concluding Observations.

Positive Aspects

The Committee commended the termination of the National Security Entry-Exit Registration System (NSEERS), as well as administrative measures to promote equal employment. It also noted its appreciation of the adoption of the Fair Sentencing Act, which reduced, but did not eliminate, the disparity in sentences for possession of crack cocaine as opposed to powder cocaine; the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which made it a federal offense to commit a crime against a person based on

their real or perceived race, color, religion, national origin, gender, gender identity, sexual orientation or disability ; and the Lilly Ledbetter Fair Pay Act, which restores some protections for women against pay discrimination.

Concerns and Recommendations

Applicability of CERD at the national level

The Committee reiterated that the definition of racial discrimination used in federal and state legislation, as well as in court practice, is not in line with CERD. The CERD treaty requires the USG to prohibit and eliminate racial discrimination in all its forms, including practices and legislation that may not be intentionally discriminatory, but have the effect, or result, of discriminating against people of color. The Committee called upon the USG to prohibit racial discrimination absolutely, covering all fields of law and public life.

National Human Rights Institution

While recognizing the creation of Equality Working Group, with which the [Human Rights at Home \(HuRAH\) Campaign](#) has been working, the Committee reiterated its concern at the lack of a national human rights institution. According to UN's Office of the High Commissioner for Human Rights' *National Human Rights Institutions* report, the U.S. is one of the few industrialized countries that lacks a national human rights institution. The Committee recommended that the USG create a permanent coordinating mechanism such as a national human rights institution to ensure the effective implementation and monitoring of CERD at the federal, state and local levels.

Relevant report:

- [The Need for Effective Federal Outreach and Mechanisms to Coordinate and Support Federal, State and Local Implementation of the Convention](#)

Special measures

The Committee expressed concern at judicial restrictions on the use of special measures, or narrowly constructed, temporary "affirmative action" programs, as a tool to eliminate disparities based on race or ethnic origin, highlighting as an example the rollback in use of affirmative action in school admissions. The CERD states that such measures may be taken for the "sole purpose of securing adequate advancement for certain racial or ethnic groups or individuals," but it clarifies that these measures "shall not be continued after the objectives for which they were taken have been achieved." The Committee reiterated its previous recommendation to adopt and strengthen the use of special measures to eliminate persistent disparities in the enjoyment of human rights.

Relevant report:

- [Human Rights Activists Report on the United States of America to the Committee on the Elimination of Racial Discrimination](#)

Racial profiling and surveillance

The Committee recommended legislation that specifically prohibits law enforcement officials from engaging in racial profiling, such as the End Racial Profiling Act. Recommendations such as this calling for action from the legislative branch suggest that members of Congress should be included in the next USG CERD delegation. The Committee also recommended promptly and thoroughly investigating all allegations of racial profiling; revising any policies that permit racial profiling and other forms of illegal intelligence gathering; and ending immigration enforcement programs and policies, which indirectly promote racial

profiling, such as the Secure Communities program and the 287(g) program which deputizes selected states and local law enforcement to perform the functions of federal immigration agents (referenced in the [*Falling Further Behind: Combating Racial Discrimination in America*](#) shadow report).

Relevant reports:

- [*American Police Crimes Against African Women and Women of Color*](#)
- [*Suspicionless Surveillance of Muslim Communities and the Increased Use and Abuse of Muslim Informants*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*CERD Shadow Report: Immigration Detainers Encourage Racial Profiling*](#)

Racist hate speech and hate crimes

The Committee reiterated its concern at the lack of prohibition of racist hate speech except for instances amounting to incitement to imminent violence or “true threats” of violence. It also expressed concern at the underreporting of hate crimes and asked that the USG improve its data collection system recording complaints of hate crimes, and provide statistical information regarding trends in instances of racist hate speech in its next report.

Relevant reports:

- [*Shadow Report of the National Association for the Advancement of Colored People to the United Nations Committee on the Elimination of Racial Discrimination Concerning the International Convention on the Elimination of All Forms of Racial Discrimination*](#)
- [*Perpetuating Discrimination: How the U.S. Government’s Compliance with the Underreporting of Hate Crimes Leads to a Failure to Protect Minority Groups and Effectively Combat Hate Crimes*](#)
- [*American Police Crimes Against African Women and Women of Color*](#)

Disparate impact of environmental pollution

The Committee is concerned that racial and ethnic minorities in the United States, as well as Indigenous Peoples, continue to be disproportionately affected by the negative health impact of pollution. The Committee called upon the USG to ensure that federal legislation prohibiting environmental pollution is effectively enforced at state and local levels. It also called on the USG to clean up any remaining radioactive and toxic waste as a matter of urgency. The Committee also suggested that the USG investigate all cases of environmentally polluting activities, bringing those responsible to account and making sure that those affected have access to appropriate remedies.

Relevant reports:

- [*Environmental Justice Struggles in Illinois*](#)
- [*Right to Life and Health in Communities of Color*](#)
- [*CERD Shadow Report on Environmental Justice - Multicultural Alliance for a Safe Environment \(MASE\)*](#)
- [*CERD Shadow Report - SouthWest Organizing Project \(SWOP\)*](#)
- [*A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report*](#)

Criminalization of homelessness

The Committee raised concerns at the high number of homeless persons, who are disproportionately African American, Hispanic/Latino American and Native American, and at the criminalization of

homelessness. Among the Committee's recommendations was that the USG abolish laws that make homelessness a crime, offer incentives to decriminalize homelessness, and work closely with relevant stakeholders to address homelessness in accordance with human rights standards.

Relevant reports:

- [*Racial Discrimination in Housing and Homelessness in the United States*](#)
- [*Homeless Youth of Color in Chicago, Illinois: Access Denied*](#)
- [*Criminalization of Transgender, Transsexual and Gender Nonconforming People of Color*](#)

Right to vote

The Committee noted concern about obstacles faced by people of color¹ and Indigenous Peoples to effectively exercise their right to vote, due to restrictive voter identification laws, district gerrymandering, and state-level felon disenfranchisement laws. The Committee also noted the continued denial of the right of residents of the District of Columbia (D.C.), half of who are African-Americans, to vote for and elect representatives to the United States Senate and voting-members to the House of Representatives. It called on the USG to enforce voting rights laws that encourage voter participation, adopt federal legislation to prevent the implementation of voting regulations which have discriminatory impact, and ensure that all states reinstate voting rights to people who have completed sentences for felonies.

Relevant reports:

- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*US Federalism and Its Impact on ICERD Compliance*](#)
- [*Workers' Human Rights in Indiana: A Critical Look at Recent Violations*](#)

Discrimination and segregation in housing

The Committee reiterated its concern at the persistence of discrimination in access to housing, discriminatory lending practices which disproportionately affect people of color, and the high degree of racial segregation and concentrated poverty in neighborhoods characterized by sub-standard conditions. The Committee urged the USG to ensure the availability of affordable housing for all, strengthen implementation of laws protecting against housing discrimination, and promptly investigate all discriminatory practices related to housing.

Relevant reports:

- [*Discrimination and Segregation in Housing: Continuing Lack of Progress in United States Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination*](#)
- [*US Government's Failure to Protect People of Color and American Indians From Racist Practices of Mortgage Bankers in the Minneapolis St. Paul Metropolitan Area*](#)
- [*US Federalism and Its Impact on ICERD Compliance*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*Sharp Inequalities in Water Security Across the City of Boston; People-of-Color Communities Most Impacted*](#)

¹ Please note that we are using people of color as an alternative to racial and ethnic minorities which is the term used by CERD.

- [*A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report*](#)
- [*Homeless Youth of Color in Chicago, Illinois: Access Denied*](#)

Education

The Committee expressed concern that students of color disproportionately continue to attend segregated schools with segregated or unequal facilities. It also expressed concern at racial disparities in academic achievement. It recommended that the USG intensify efforts to ensure equal access to education including by adopting a comprehensive plan to address racial segregation, increasing federal funding to promote racially integrated learning environments, implementing recommendations of [*Equity and Excellence Commission report*](#), reauthorizing Elementary and Secondary Education Act, and working with state, local and civil society actors to reduce achievement gap.

Relevant reports:

- [*Education in the United States and the Federal Responsibility to Reduce School Segregation and Address the Achievement Gap*](#)
- [*The Interaction of CPS' Space Utilization Formula and Facilities Assessment with Long-Term Planning: The Consolidation of Two Elementary Schools*](#)
- [*US Federalism and Its Impact on ICERD Compliance*](#)
- [*Human Rights Activists Report on the United States of America to the Committee on the Elimination of Racial Discrimination*](#)
- [*Racial Discrimination in the Legal Profession*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*Workers' Human Rights in Indiana: A Critical Look at Recent Violations*](#)
- [*The City of Chicago's Mass Public School Closings and Their Discriminatory Effect on African Americans*](#)
- [*Legal Child Labor in U.S. Agriculture*](#)
- [*A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report*](#)
- [*Homeless Youth of Color in Chicago, Illinois: Access Denied*](#)

Right to health and access to health care

The Committee is concerned that many states have opted out of the Medicaid expansion program of the Patient Protection and Affordable Care Act (ACA), thus missing an opportunity to address racial disparities in health care. It is also concerned at the exclusion of undocumented immigrants and their children from coverage under the ACA, as well as the limited coverage of undocumented immigrants and immigrants residing lawfully in the United States for less than five years by Medicaid and Children's Health Insurance Program. It reiterated its previous concern at the persistence of racial disparities in the field of sexual and reproductive health, particularly with regard to the high maternal and infant mortality rates among African American communities. The Committee recommended that the USG take concrete measures to secure access to affordable and adequate health-care services for all individuals and in particular racial/ethnic minorities residing in States that opted out of the Affordable Care Act. It also recommended that the USG eliminate racial disparities in sexual and reproductive health, standardize data collection on maternal and infant deaths, and improve monitoring and accountability mechanisms for preventable maternal mortality.

Relevant reports:

- [*Reproductive Health Oppression in California Women's Prisons*](#)

- [Reproductive Injustice: Racial and Gender Discrimination in U.S. Health Care](#)
- [HIV Criminalization, Poverty, and Health Care Access—United States’ Violations of the International Convention on the Elimination of all Forms of Racial Discrimination](#)
- [Illegally Denied: Migrant Farmworkers Fight for Access to Justice and Health Care in the United States](#)
- [African-American Girls in Foster Care & Psychotropic Medication: Her Right to Survival & Development, Bodily Integrity & Self-Determination](#)
- [Appeal to UNHCR - A Call for Assistance in the Efforts to Halt Racism, Racial Discrimination and Acts of Genocide Directed Towards the People of the City of Detroit](#)
- [Criminalization of Transgender, Transsexual and Gender Nonconforming People of Color](#)
- [Impact of Disproportionate Incarceration of and Violence Against Black People with Mental Health Conditions In the World’s Largest Jail System](#)
- [A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report](#)
- [Sex-Selective Abortion Bans in the US and Their Discriminatory Effect on Asian American Women](#)
- [Report on Forced Psychiatry and Psychiatric Abuse Against African-Americans as Intersectional Discrimination Based on Race and Disability](#)
- [HIV Criminalization, Poverty and Health Care Access](#)

Gun violence

The Committee expressed concern at the high number of gun-related deaths and injuries which disproportionately affect people of color, particularly African Americans. It also noted with concern the proliferation of "Stand Your Ground" laws, and its discriminatory impact on people of color. The Committee urged that the USG take effective step to protect the human right to life and to reduce gun violence. Specific recommendations included expanding background checks for all private firearm transfers, prohibiting the practice of carrying concealed handguns in public, increase transparency in gun use in crime and illegal gun sales, and removing the far-reaching immunity inherent in "Stand Your Ground" Laws.

Relevant reports:

- [African American Gun Violence Victimization in the United States](#)
- [Falling Further Behind: Combating Racial Discrimination in America](#)
- The testimony of Ron Davis and Sybrina Fulton was also instrumental in informing this issue.

Excessive use of force by law enforcement officials

The Committee reiterated its concern at the brutality and excessive use of force by law enforcement officials which disproportionately impacts African Americans and undocumented migrants crossing the United States-Mexico border. The extreme state of police violence in the United States was underscored by the killing of Michael Brown by a police officer days before the review, a point mentioned by civil society and Committee members. The Committee recommended that the USG investigate and prosecute law enforcement officials engaged in use of excessive force - and intensify efforts to prevent excessive use of forces. It also recommended improving the reporting of cases involving the excessive use of force and strengthening oversight of and accountability for inappropriate use of force. It asked for detailed information in next USG report on investigations undertaken into allegations of excessive use of force by law enforcement including by the Customs and Border Protection (CBP).

Relevant reports:

- [US Federalism and Its Impact on ICERD Compliance](#)

- [*United States Customs and Border Protection Has Not Addressed the 2008 CERD Committee Recommendation and Engages in Excessive Force for Which There is no Accountability and the Organization Lacks Transparency*](#)
- [*Impact of Disproportionate Incarceration of and Violence Against Black People with Mental Health Conditions In the World's Largest Jail System*](#)
- [*American Police Crimes Against African Women and Women of Color*](#)

Immigrants

The Committee is concerned at the increasingly militarized approach to immigration law enforcement, leading to the excessive and lethal use of force and the use of racial profiling to determine immigration status. It noted the increased use of criminal prosecutions for breaches to immigration law, mandatory detention of immigrants for prolonged periods, and deportation of undocumented immigration without adequate access to justice. It also raised questions about work-visa programs that render migrant workers vulnerable to human trafficking and dangerous conditions. The Committee called on the USG to ensure that the rights of non-citizens are fully guaranteed in law and in practice. It called for the abolition of Operation Streamline, which criminalizes breaches to immigration law, and recommended that immigration matters be treated as civil and not criminal matters. It also recommended that the USG take a more individualized approach to detention and deportation matters, and review all laws to ensure that migrant workers are protected from exploitation and abuse, including child labor.

Relevant reports:

- [*CERD Shadow Report: Immigration Detainers Encourage Racial Profiling*](#)
- [*Deportations From the United States to Haiti: A Violation of the Convention on the Elimination of all Forms of Racial Discrimination*](#)
- [*Regarding Criminal Prosecutions of Migrants for Immigration Offenses and Substandard Privately-Operated Segregated Prisons*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*Shadow Report on Violations in Revocation of Passports of American Citizens of Yemeni Origin*](#)
- [*Illegally Denied: Migrant Farmworkers Fight for Access to Justice and Health Care in the United States*](#)
- [*United States Customs and Border Protection Has Not Addressed the 2008 CERD Committee Recommendation and Engages in Excessive Force for Which There is no Accountability and the Organization Lacks Transparency*](#)

Violence against women

The Committee is concerned at the disproportionate number of women, particularly African American, immigrant, and American Indian and Alaska Native women, who continue to be subjected to violence, including rape and sexual violence. It also reiterated its concern at the denial of access to justice for indigenous women. The Committee called upon the USG to intensify efforts to prevent and combat violence against women, ensure access to justice and remedies particularly for indigenous women, and provide adequate resources and training for violence prevention.

Relevant reports:

- [*African-American Girls in Foster Care & Psychotropic Medication: Her Right to Survival & Development, Bodily Integrity & Self-Determination*](#)
- [*American Police Crimes Against African Women and Women of Color*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)

- [*Report on Racial Discrimination and Sexual Violence Against Women of Color, Including Those Identifying as LGBTQ*](#)

Criminal justice system

The Committee remains concerned that people of color, particularly African Americans, continue to be disproportionately arrested, incarcerated, and subjected to harsher sentences, life imprisonment without parole, and the death penalty. It noted the role of prosecutorial discretion and mandatory minimum drug offense sentencing policies in driving the over-representation of people of color in the criminal justice system. It also raised concerns about the impact of parental incarceration on children of color. The Committee called on the USG to take concrete and effective steps to eliminate racial disparities at all stages of the criminal justice system, including by amending laws that have a racially discriminatory impact. It also called for a moratorium on the death penalty with a view to abolishing it. The Committee asked the USG to ensure that the impact of incarceration on children and/or other dependents is taken into account when sentencing an individual convicted of a non-violent offense and that alternatives to imprisonment are promoted.

Relevant reports:

- [*Regarding Racial Disparities in the United States Criminal Justice System*](#)
- [*Criminalization of Transgender, Transsexual and Gender Nonconforming People of Color*](#)
- [*Falling Further Behind: Combating Racial Discrimination in America*](#)
- [*Workers' Human Rights in Indiana: A Critical Look at Recent Violations*](#)
- [*Illegally Denied: Migrant Farmworkers Fight for Access to Justice and Health Care in the United States*](#)
- [*Violations of CERD at the Communications Management Units*](#)
- [*Regarding Criminal Prosecutions of Migrants for Immigration Offenses and Substandard Privately-Operated Segregated Prisons*](#)
- [*Impact of Disproportionate Incarceration of and Violence Against Black People with Mental Health Conditions In the World's Largest Jail System*](#)
- [*Alleviating the Impact of Parental Incarceration on Indigenous, African-American and Latino Children*](#)
- [*Imprisoned COINTELPRO/US Civil Rights Era Human Rights Defenders and Political Activists, State Repression, Criminalization of Dissent*](#)
- [*A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report*](#)
- [*Report on Forced Psychiatry and Psychiatric Abuse Against African-Americans as Intersectional Discrimination Based on Race and Disability*](#)
- [*American Police Crimes Against African Women and Women of Color*](#)
- [*Reproductive Health Oppression in California Women's Prisons*](#)

Juvenile Justice

The Committee is concerned at racial disparities at all levels of the juvenile justice system, including the disproportionate rate at which youth of color are arrested in schools and are referred to the criminal justice system, prosecuted as adults, incarcerated in adult prisons, and sentenced to life imprisonment without parole. Despite the recent Supreme Court decisions which prohibited mandatory sentencing of juvenile offenders to life imprisonment, 15 states continue to permit life without parole sentencing for juveniles convicted of homicide. The Committee called on the USG to intensify efforts to address racial disparities in

the application of disciplinary measures and the resulting “school-to-prison-pipeline” and to end life without parole for children under 18.

Relevant reports:

- [*Criminalization of Minority Youth: Youth Criminally Tried and Incarcerated as Adults*](#)
- [*Workers’ Human Rights in Indiana: A Critical Look at Recent Violations*](#)
- [*US Federalism and Its Impact on ICERD Compliance*](#)
- [*Human Rights Activists Report on the United States of America to the Committee on the Elimination of Racial Discrimination*](#)
- [*A Human Rights Perspective on The Land of 10,000 Disparities: A Multi-Issue Minnesota-Specific Report*](#)

Guantanamo Bay

The Committee noted that non-citizens continue to be arbitrarily detained without access to the criminal justice system and put at risk of torture. The Committee urged the USG to end the system of administrative detention without charge or trial and ensure the closure of the Guantanamo Bay facility without further delay.

Access to legal aid

The Committee raised concern at the limits to effective legal counsel for people of color in practice and the failure to recognize the right to counsel in civil proceedings. This disproportionately affects low-income persons seeking an effective remedy in matters such as evictions, foreclosures, domestic violence, discrimination in employment, termination of subsistence income or medical assistance, loss of child custody, and deportation. It also reiterated its previous recommendation that the USG adopt all necessary measures to eliminate systemic inadequacies in criminal defense programs.

Relevant reports:

- [*Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, Including Immigration Proceedings*](#)

Rights of Indigenous Peoples

The Committee remains concerned about the inadequate progress in ensuring free, prior, and informed consent for Indigenous Peoples; the undue obstacles to recognition of tribes; failure to protect sacred sites; and continued removal of children from their families and communities by the US child welfare system. The Committee also commented on the lack of information on steps taken to implement its previous recommendations regarding the rights of Western Shoshone peoples. The Committee called on the USG to guarantee the right of Indigenous Peoples to participate in public life and in decisions that affect them, eliminate undue obstacles to the recognition of tribes, adopt concrete measure to protect sacred sites, halt the removal of indigenous children from their families and communities, and take immediate action to implement its previous recommendations on the rights of Western Shoshone.

Relevant reports:

- [*The Situation at the Texas-Mexico Border and the Racially Discriminatory Impact of the Border Wall on the Lipan Apache \(Cúelcahén Ndé\) Peoples in Texas*](#)
- [*Joint Submission of Two Alternative Reports regarding the violations of Indigenous Children’s Right to Culture and Continuing Legacy of the Boarding School Policies*](#)

- [*Alleviating the Impact of Parental Incarceration on Indigenous, African-American and Latino Children*](#)
- [*CERD Shadow Report on Indigenous Peoples' Rights - The Yamasí People*](#)

National action plan to combat racial discrimination

The Committee raised concerns about the absence of a plan to combat racial discrimination and implement the Committee's recommendations. It also noted the lack of inclusion of human rights in school curricula. The Committee recommended that the USG adopt a [National Action Plan](#) to combat structural racial discrimination and promote human rights education. This has also been a demand of the USHRN and Human Rights at Home (HuRAH) Campaign over the last 5 years.

Relevant report:

- [*The Need for Effective Federal Outreach and Mechanisms to Coordinate and Support Federal, State and Local Implementation of the Convention*](#)

Other recommendations

In addition to the concerns and recommendations delivered to the USG on specific issue areas, the Committee also delivered recommendations that did not fit within those categories. Those recommendations included:

Request for further information

The Committee requested detailed information on the following issues in the next USG report:

- Implementation of CERD in non-autonomous territories. These include the United States Virgin Islands, American Samoa, and Guam.
- The rate at which African American children in foster care are prescribed psychotropic drugs
- The use of non-consensual psychiatric treatment and other restrictive and coercive practices on people of color in mental health services; and
- The current status of political activists from the Civil Rights era.

Declaration on Article 14

The Committee recommended that the USG recognize article 14 which would recognize the Committee's competence to receive and consider complaints from individuals.

Amendment to article 8 of the Convention

The Committee recommended that the USG ratify the amendment to article 8, paragraph 6, of the treaty. That amendment states, "States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties."

Ratification of Treaties

The Committee called on the USG to ratify other human rights treaties that have a direct relevance to communities subject to racial discrimination including:

- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989),

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- Convention on the Rights of Persons with Disabilities (2006)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006).

Follow-up to the Durban Declaration and Program of Action

The Committee invited the USG to take into consideration the related aspects of the [Durban Declaration and Program of Action](#), and the [Outcome Document](#) of the Durban Review Conference in implementing CERD. It also asked that the USG include specific information on the steps it has taken in its next report.

Consultations with civil society

The Committee recommended that that USG continue and expand dialogue with civil society both for reporting and implementation of CERD.

Dissemination of CERD and Concluding Observations

The Committee recommended that the USG increase its efforts to raise public awareness and knowledge of CERD, make the USG reports readily available and accessible to the public at the time of their submission, and widely publicize the concluding observations of the Committee in the official and other commonly used languages, as appropriate.

One-Year Follow-up to Concluding Observations

The Committee requested that the USG provide information within one year of the adoption of the present conclusions and on its follow-up to the following recommendations:

- Ensuring 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.
- Intensifying efforts to prevent the excessive use of force by law enforcement officials by ensuring compliance with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and ensure that the new CBP directive on the use of force is applied and enforced in practice.
- Abolishing “Operation Streamline” and dealing with any breaches of immigration law through civil, rather than criminal immigration system.
- Undertaking thorough and individualized assessment for decisions concerning detention and deportation and guaranteeing access to legal representation in all immigration-related matters.
- Reviewing its laws and regulations in order to protect all migrant workers from exploitative and abusive working conditions, including by raising the minimum age for harvesting and hazardous work in agriculture under the Fair Labor Standards Act in line with international labor standards, and ensuring effective oversight of labor conditions; and
- Ratifying ILO Convention No.29 concerning Forced or Compulsory Labor and ILO Convention No.138 concerning Minimum Age for Admission to Employment.
- Ending the system of administrative detention without charge or trial and ensure the closure of the Guantanamo Bay facility without further delay.
- Guaranteeing the right of detainees to a fair trial in compliance with international human rights standards, and ensuring that any detainee who is not charged and tried is released immediately.

Paragraphs of Particular Importance

The Committee also drew attention to the particular importance of the following recommendations, requesting the USG to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

- Adopting and implementing legislation which specifically prohibits law enforcement officials from engaging in racial profiling, such as the End Racial Profiling Act.
- Swiftly revising policies insofar as they permit racial profiling, illegal surveillance, monitoring and intelligence gathering, including the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies.
- Ending immigration enforcement programs and policies, which indirectly promote racial profiling, such as the Secure Communities program and the 287(g) program.
- Undertaking prompt, thorough and impartial investigations into all allegations of racial profiling, surveillance, monitoring and illegal intelligence-gathering; holding those responsible accountable.
- Abolish laws and policies making homelessness a crime.
- Ensure close cooperation among all relevant stakeholders, including social, health, law enforcement and justice professionals at all levels to intensify efforts to find solutions for the homeless in accordance with human rights standards.
- Offer incentives to decriminalize homelessness, including by providing financial support to local authorities that implement alternatives to criminalization, and withdrawing funding from local authorities that criminalize homelessness.
- Take effective legislative and policy measures to fulfill its obligation to protect the right to life and to reduce gun violence, including by adopting legislation expanding background checks for all private firearm transfers and prohibiting the practice of carrying concealed handguns in public venues; increasing transparency concerning gun use in crime and illegal gun sales, including by repealing the Tiahrt Amendments; and reviewing the Stand Your Ground Laws to remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality when deadly force is used for self-defense.
- Guarantee, in law and in practice, the right of indigenous peoples to effective participation in public life and in decisions that affect them based on their free, prior and informed consent.
- Take effective measures to eliminate undue obstacles to the recognition of tribes.
- Adopt concrete measures to effectively protect the sacred sites of indigenous peoples as a result of the State party's development or national security projects and exploitation of natural resources, and ensure that those responsible for any damages caused are held accountable.
- Effectively implement and enforce the Indian Child Welfare Act of 1978 to halt the removal of indigenous children from their families and communities.
- Take immediate action to implement the recommendations contained in Decision 1(68) and provide comprehensive information to the Committee on concrete measures taken in this regard.

The next periodic report of the United States is due by November 20, 2017.

To learn more about USHRN's work and role in the CERD review, visit our [CERD webpage](#).

For resources from the UN on how to engage as a civil society actor, visit the UN's [civil society page](#).