

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

What is ICERD?

The International Convention on the Elimination of All Forms of Racial Discrimination (commonly known as ICERD or CERD) is an international human rights agreement that outlines specific standards and steps countries should take to prevent, eliminate, and redress racism and racial discrimination. ICERD was adopted by the United Nations in 1965. The United States accepted ICERD as law in 1994. This process is known as ratification. According to the U.S. Constitution, ICERD and all other international treaties are “the supreme law of the land” and apply to all levels of government.

ICERD is an advanced tool for addressing all forms (direct and indirect) of racial discrimination. It applies to all racial/ethnic groups, including Indigenous Peoples, women, and immigrants/non-citizens. Unlike current U.S. civil rights law, ICERD prohibits any government policies or practices that have an uneven negative impact on people of color and Indigenous Peoples whether they were intended to or not. For example, the fact that courts are 10 times more likely to rule in favor of white perpetrators who use Stand Your Ground (SYG) as a defense in cases involving black victims than in cases involving the reverse (Black perpetrator, white victim), qualify SYG as discriminatory under ICERD without needing to prove the intent to discriminate. In addition to criminal justice, ICERD obligates the U.S.

to protect and promote equality and non-discrimination in the enjoyment of human rights, including in the areas of education, housing, health, voting, labor, access to justice, and more.

ICERD protects against discrimination in the area of economic and social rights, including the right to decent work, the right to an adequate education, and the right to an adequate standard of living.

ICERD requires countries to review federal, state and local policies, and to amend or repeal laws and regulations that have the effect (not just the intent) of creating or continuing racial discrimination. ICERD goes beyond calling for repeal of laws that have a discriminatory impact to requiring governments to take proactive steps to address racial disparities. It also recognizes and accounts for the intersecting impact of other factors, such as gender, ability,

class, sexuality, among others, with race. Because of this recognition of the complex ways race functions with other factors, ICERD provides human rights activists with a more comprehensive tool for confronting violations than do U.S. civil rights laws.

Why is it important that social justice groups participate in the CERD reporting process?

The participation of social justice groups is essential to the successful implementation of ICERD in the United States. The UN CERD monitoring committee explicitly encourages and solicits reports from social justice groups to inform its review of the U.S. Government. Participation accomplishes the following:

- **Provides counter-narratives:** This process is a unique opportunity to tell your own story to a world audience. As on-the-ground, grassroots groups, you get to provide factual, first-hand information of how your and other's rights are violated and disrespected, and to propose solutions to those violations. When you don't participate, the U.S. Government gets to tell its version of the truth.
- **Holds the U.S. accountable:** In addition to telling your own story, the review process is about holding the U.S. accountable to respecting and ensuring your rights at home and providing remedies when they are violated. The U.S. Government cares about its reputation in the international human rights arena. Your participation in the process on the world stage is in itself a demand that the U.S. live up to the human rights standards it sets for the rest of the world. It is also an opportunity to join the efforts of other human right advocates through the Human Rights at Home Campaign which aims to provide a more domestically accessible vehicle for ensuring government accountability.
- **Becomes an organizing tool:** Participation provides an important organizing opportunity for groups to collaborate with each other on and across specific issue area(s) and to build coalitions for post-review follow-ups.
- **Builds capacity:** Working collaboratively has the effect of strengthening your capacity to do this work and amplifies your message beyond your current audience.

- **Supports advocacy:** This process provides a global platform for your issue, and provides a built-in mechanism for your message to be heard and your issues to be addressed.

How Does the ICERD Review Process Work?

As part of its obligations under ICERD, the U.S. Government must submit periodic government reports (formally called State reports) every two years on how it is enforcing the requirements of the treaty. A UN committee of independent experts on racial justice called the Committee on the Elimination of Racial Discrimination (or UN CERD committee) oversees this review process on how governments are complying with the treaty. In response to these government reports, social justice groups and other non-governmental organizations (NGOs) are invited to submit alternative reports that give an on-the-ground assessment of how the government is complying with ICERD. These alternative reports are known as shadow reports. The U.S. Government then appears before the UN CERD committee for an in-person review of its record. Together, these pieces make up the review process for the ICERD.

Since its acceptance of ICERD, the United States has submitted three reports to the UN CERD committee, the first was in 2001, the second was in 2007, and the third was submitted in June 2013.

Past Government reports are available on the State Department's website: http://www.state.gov/j/drl/rls/cerd_report/index.htm.

A summary of the 2013 Government report is available on the US Human Rights Network's website: <http://www.ushrnetwork.org/resources-media/2013-us-government-cerd-report-summary>.

How do I get Involved in the ICERD Review?

The US Human Rights Network works with members, partners and allies to educate and coordinate social justice groups to use ICERD standards and the review process to advance positive changes in their communities and at all levels of government.

The USHRN CERD Taskforce is the chief entity that organizes participation and post-review follow-up. The CERD Taskforce is an all-volunteer group of human rights and social justice advocates with a range of expertise in ICERD, education, organizing, and policy development. The Taskforce is currently working to organize participation in the upcoming August 2014 review of the U.S. Government in Geneva. To reach the CERD Taskforce or for all ICERD-related questions, email cerd@ushrnetwork.org. To get involved in the ICERD review and implementation processes, join the CERD listserv: cerdushrn@salsalabs.com.

An equally important part of the USHRN's mission is to put in place domestic structures to better implement ICERD and other treaties at the local, state, and federal levels. To achieve this goal, we have been working through the Human Rights at Home (HuRAH) Campaign to get better coordination between government agencies, to get better communication between the federal and state and local governments, to establish an independent national human rights institution, and to get the Obama Administration to adopt a National Plan of Action (NPA) for Racial Justice.

The National Plan of Action is the vehicle for achieving full implementation of ICERD. But its adoption is only possible with your involvement and support. To learn more about the NPA and how you can get involved in the work, visit: <http://www.ushrnetwork.org/nationalplanofaction-racialjustice>. To learn about our efforts to ensure government accountability through the Human Rights at Home Campaign, visit: <http://www.ushrnetwork.org/hurah-campaign>.

ICERD Review Process

United States Government submits government report ("State reports") to the Committee every two years (State Department consults with NGOs)



UN CERD committee reviews report and issues questions to the government



NGOs write and submit shadow reports to UN CERD committee



UN CERD committee schedules in-person hearing in Geneva



U.S. Government sends delegation to Geneva for hearing. NGOs meet formally and informally with UN CERD committee to influence review



UN CERD committee holds 2-day in-person review of the Government (NGOs allowed to observe hearing)



UN CERD committee drafts a set of concluding observations and recommendations



NGOs use Concluding Observations to educate and organize their constituencies and to push Government at all levels



Government submits one-year follow-up report on concluding observations to UN CERD committee