

The UN General Assembly proclaimed 2015-2024 the International Decade for People of African Descent ([resolution 68/237](#)) www.un.org/en/events/africandescentdecade. In January 2016, the US Human Rights Network helped coordinate the UN Working Group of Experts on People of African Descent visit to the US. In September 2016, USHRN coordinated a meeting in DC to create a US Civil Society Working Group on the Decade of People of African Descent. Since then, the working group have engaged in calls to create plans for US involvement in the decade. The working group submitted the statement below for the WGEPAD's 20th Session entitled "Leaving no one behind, people of African descent and the Sustainable Development Goals" that will be taking place in Geneva, Switzerland between April 3-7 2017. To learn more about the decade working group please email Marcia Johnson-Blanco mblanco@lawyerscommittee.org or Catherine Labiran clabiran@ushrnetwork.org.

Submission of the U.S. Civil Society Working Group On the Decade of People of African Descent

20th Session of the Working Group of Experts on People of African Descent

April 3 – 7, 2017

The U.S. Human Rights Network submits this statement on behalf of the members of the U.S. Civil Society Working Group on the Decade of People of African Descent ("U.S. Decade Working Group"). The U.S. Decade Working Group greatly appreciates the opportunity to discuss the challenges faced by People of African Descent in the United States. The failure to fully address the legacy of slavery in the United States has resulted in continued disparities experienced by People of African Descent in many policy areas, including but not limited, to education, housing, economic development and criminal justice. In its 2013 periodic report to the U.N. Committee on the Elimination of Racial Discrimination, the United States acknowledged that "the path to racial equality has been uneven, racial and ethnic discrimination still persists, and much work remains to meet our goal of ensuring racial equality for all." Yet, also in 2013, the voice of people of African Descent in the U.S. was undermined by the U.S. Supreme Court in the *Shelby County v. Holder* decision which weakened the Voting Rights Act of 1965 ("VRA"), legislation that transformed American democracy.

This statement discusses the concern about the state party's commitment to robust protection of the right to vote. The Voting Rights Act has contributed to great strides in addressing discrimination in voting. The U.S. Supreme Court has long recognized that the right to vote is "preservative of all rights." Yet, while noting that "voting discrimination still exists; no one doubts that," the Supreme Court in *Shelby County* weakened one of the most effective laws in addressing that discrimination and Congress has failed to act to restore the law to its full protections. Additionally, today, is concern by people of African Descent that the federal

government will not continue to fully engage with civil society in enforcing voting rights laws such as the VRA. As the report by the National Commission on Voting Rights has detailed, voting discrimination is a frequent and ongoing problem in the United States and some areas in the country have a worse record of discrimination in voting than others. The lives of the 55 percent of the African American population that live in the Southern states have been transformed by the Voting Rights Act. Yet, instead of building on efforts to address voting discrimination, the U.S. government is showing signs of withdrawing its support from efforts to address intentional discrimination.

Within hours of the inauguration of President Donald Trump, the U.S. Department of Justice sought to delay a court hearing on an intentional discrimination claim in the challenge to the restrictive voter ID law being implemented by the State of Texas. Extraordinarily, four federal courts have found that the law is discriminatory and violates Voting Rights Act. First, the Department of Justice asked the court to delay a hearing on the remaining claim of discriminatory intent claiming that “new leadership” needed time to re-examine the issue in the case. Then days before the rescheduled hearing, the Department of Justice informed the court that it was abandoning its claim of intentional discrimination in the litigation against the law. Now, it is up to non-profit civil rights organizations, who the Department of Justice had joined in challenging the law, to continue without the support of the federal government in challenging a law that prevents as many as 600,000 minority voters from being able to cast a ballot. Moreover, it remains to be seen whether the Department of Justice will continue its challenge to North Carolina’s restrictive voting laws. A federal appellate court found that these laws “target African Americans with almost surgical precision” and that they were enacted with discriminatory intent.

Additionally, disparities of enforcement in the criminal justice system has resulted in African Americans disproportionately losing the right to vote because of felony disenfranchisement laws. Felony disenfranchisement laws were passed by several states after the U.S. Civil War with the purpose of limiting the voting rights of African Americans. As Michelle Alexander noted in her seminal work, *The New Jim Crow*, “Felon disenfranchisement laws have been more effective in eliminating black voters in the age of mass incarceration than they were during Jim Crow,” laws that mandated and cruelly enforced legal segregation. The U.S. Sentencing Project has reported that 6.1 million citizens cannot vote because of felony convictions. Of these citizens, one out of 13 are African Americans have lost the right to vote compared to one of 56 non-African American voters.

During its 2014 Concluding observations on the combined seventh to ninth periodic reports of the United States of America, the CERD Committee expressed concerns about “the obstacles faced by individuals belonging to racial and ethnic minorities and indigenous peoples to effectively exercise their right to vote due, inter alia, to restrictive voter identification laws, district gerrymandering and state-level felon disenfranchisement laws” and called for the enforcement of federal voting rights legislation that encourage voter participation and ensure that states reinstate the voting rights of persons with felony convictions. However, today there is great concern about the state party’s commitment to advocating for and robustly enforcing voting rights laws.

The International Decade for People of African Descent offers an unprecedented opportunity to have a national conversation about the contributions and challenges faced by people of African descent in the United States. It provides a vehicle for civil society to discuss, develop and advance policies that address current inequities that African Americans and the African Diaspora face in the U.S. in voting rights as well as areas such as education, health care, housing, economic development. However, the Working Group of Experts on People of African Descent can improve the process that allows civil society to more fully engage in African Decade activities including information on how civil society can better engage in multi-national collaboration and conversations.

At a time when there is a great anxiety about the role federal and state governments in addressing civil rights and the needs of People of African Descent, The U.S. Decade Working Group will continue to marshal the resources of U.S. civil society to lift up challenges faced by People of African Descent and work collectively to promote policies that address ongoing disparities. We look forward to engaging the U.N. Working Group on these efforts and to building more robust engagement in the remaining years of the Decade.

Thank you for your consideration. If you have questions or would like to know more about the U.S. Decade Working Group, please contact Marcia Johnson-Blanco at 202.662.8346 or mblanco@lawyerscommittee.org.

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