



**The United States of America's Compliance with the International Convention on
the Elimination of Racial Discrimination
Suggested List of Themes Relating to Rights of Women and Girls of Color**

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996
The State of Minnesota Missing and Murdered African American Women Task Force
and
Research in Action

for the 107th Session of the Committee on the Elimination of Racial Discrimination
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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

The State of Minnesota Missing and Murdered African American Women Task Force (MMAAW) was created during the 2021 Minnesota Legislative Session. The first of its kind in the nation, the MMAAW Task Force will examine and report on the following (1) Systemic causes of violence against African American women and girls, (2) Appropriate methods of tracking and collecting data, (3) Policies, practices, and institutions that assist in perpetuating violence against African American women and girls, and (5) Measures necessary to help victims, their families, and their communities. The Task Force, made up of elected officials, state actors, and leaders from community organizations, brings expertise from policy, law, data, and direct service.

Research in Action (RIA) was founded by Dr. Brittany Lewis in 2019 and is a racially diverse and gender-inclusive social benefit corporation based out of North Minneapolis, Minnesota. RIA uses action research, community engagement, and mixed methods racial equity assessment tools to deliver equitable outcomes. RIA produces actionable research products in partnership with communities that are most impacted and other relevant stakeholders modeling a new theory of change. The *Equity in Action* model creates real, tangible practice and policy solutions to shift the racial justice narrative and redefine non-profit, city, county, and state processes to be more community-centered and equitable.

EXECUTIVE SUMMARY

1. The Government of the United States of America has failed to uphold its obligations to protect women and children of ethnic and racial minorities under Articles 2, 3, 5, and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. In the United States, somewhere between 64,000 and 75,000 Black girls and women are missing¹, and Black women die of homicide at twice the rate of the general population of women.² Nationally, cases involving Black girls and women stay open four times longer than other cases on average.³ In Minnesota, in 2020, 40% of domestic violence victims were Black, while comprising less than 7% of Minnesota's population.⁴
3. Additionally, due to the lack of attention from both law enforcement and the media also known as "missing white woman syndrome," Black women have had to lead the work of addressing violence against Black women and girls and helping victims, families, and communities heal in the process, often with very little resources.
4. Despite legislative advances, there are significant racial disparities in matters of ensuring culturally specific, safe, and affordable housing,

The United States' obligations under the Committee for the Elimination of Racial Discrimination (CERD)

5. Regarding the elimination of racial discrimination in matters of gender-based violence, the Committee for the Elimination of Racial Discrimination (Committee) has stated unequivocally that States Parties are obligated to apply systematically the general principles contained in Articles 2, 3, 5 and 6 of CERD.

I. Discrimination and segregation in housing (Concluding Observations paragraph 13)

6. In its 2014 Concluding Observations, the Committee remained concerned about the persistence of discrimination in access to housing and the high degree of racial segregation and concentrated poverty in neighborhoods, among other concerns.⁵ The Committee urged the State Party to eliminate housing discrimination by ensuring the availability of affordable and adequate housing, including through the implementation of legislation.⁶

¹ National Center for Missing and Exploited Children

² Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>.

³ Jada L. Moss, *The Forgotten Victims of Missing White Woman Syndrome: An Examination of Legal Measures That Contribute to the Lack of Search and Recovery of Missing Black Girls and Women*, 25 *Wm. & Mary J. Women & L.* 737 (2019), <https://scholarship.law.wm.edu/wmjowl/vol25/iss3/9>

⁴ Violence Free Minnesota. *2020 Homicide Report: Relationship Abuse in Minnesota*

⁵ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 13.

⁶ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 13.

7. Being precariously housed or unhoused increases the chances of experiencing violence, especially for Black women and girls. The State of Minnesota Missing and Murdered African American Women Task Force (“Task Force”) Advisory Council (“Advisory Council”) members⁷ highlighted how precarious housing for youth can lead girls to resort to sexual exploitation in order to access housing.⁸ The Task Force members shared how there are no Black women and girl-specific shelters in the state of Minnesota, which is a missed opportunity to offer culturally specific support and resources to Black women and girls in need of safe and stable housing.⁹
8. **Suggested questions** relating to discrimination and segregation in housing:
 - What, if any, culturally- specific support or resources for minorities does the State Party offer, including support for Black women and girls in need of safe housing who are at risk of or are exiting domestic violence or trafficking?
 - What legislation is being considered to ensure adequate and affordable housing?
 - What measures are being considered to increase the flexibility of funding supporting shelters?

II. Education (Concluding Observations paragraph 14)

9. In the 2014 Concluding Observations, the Committee welcomed the formation of the Equity and Excellence Commission in 2011.¹⁰ The Committee remained concerned that students from racial and ethnic minorities were disproportionately and unfairly disciplined, among other concerns.¹¹
10. Students from racial and ethnic minorities continue to experience detrimental disciplinary measures in schools?¹² Advisory Council members connected education policies and practices to the criminalization of Black girls, primarily through truancy policies that connect youth to juvenile court systems.¹³ Advisory Council members identified restriction of? self-expression,

⁷ The Missing and Murdered African American Women Task Force (MMAAW) was created during the 2021 Minnesota Legislative Session. The first of its kind in the United States, the MMAAW **Task Force** will examine and report on (1) systemic causes of violence against African American women and girls; (2) Appropriate methods of tracking and collecting data; (3) Policies, practices, and institutions that assist in perpetuating violence against African American women and girls; (4) Measures necessary to address and reduce violence against African American women and girls, and (5) Measures necessary to help victims, their families, and their communities. The Task Force, made up of elected officials, state actors, and leaders from community organizations, brings expertise from policy, law, data, and direct service. The Task Force is supported by Research in Action (RIA) and a Community-led Advisory Council of Black women and girls directly impacted by systems of exploitation and erasure. The MMAAW Task Force is advised by the expertise of the MMAAW **Advisory Council**, made up of Black women and girls that has experienced violence, abduction, and/or trafficking, and family members who have lost a loved one to this violence.

⁸ Written information from Research in Action, 27 April 2022, on file with author.

⁹ Written information from Research in Action, 27 April 2022, on file with author.

¹⁰ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 14.

¹¹ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 14.

¹² Written information from Research in Action, 27 April 2022, on file with author.

¹³ Written information from Research in Action, 27 April 2022, on file with author.

in particular Black girls' hair, as a form of violence against Black girls and policing of their image.¹⁴

11. Suggested questions relating to education:

- What measures has the State Party taken to reform discriminatory truancy policies and to address the racial disparities that impact Black girls?
- What measures are in place to address restriction of self-expression, specifically the policing of racially and culturally diverse hair?
- What types of culturally specific trainings does the State Party provide to educators, and if so, do they engage with members of the Black community in developing or leading such trainings?

III. Right to health and access to health care (Concluding Observations paragraph 15)

12. In the 2014 Concluding Observations, the Committee commended the adoption of the Patient Protection and Affordable Care Act in March 2010.¹⁵ The Committee remained concerned about continued racial disparities, particularly with regard to the high maternal and infant mortality rates among African American communities.¹⁶ The Committee recommended the State Party “improve monitoring and accountability mechanisms for preventable maternal mortality,” along with eliminating other health disparities and standardizing data collection on maternal and infant deaths.¹⁷
13. While the overall decrease in infant mortality is significant, a stark ethnic and racial disparity remains. According to the State Party report, “infants of non-Hispanic Black and non-Hispanic American Indian or Alaska Native women consistently had the highest mortality rates.”¹⁸ “In 2017, the infant mortality rate for non-Hispanic Black women was 10.88 per 1,000 live births, while the rate for non-Hispanic American Indian or Alaska Native women was 8.9 per 1,000 live births.”¹⁹ These figures are compared to the 4.03 per 1,000 live births for non-Hispanic Asian or Pacific Islander mothers.²⁰
14. Maternal and infant mortality remains higher for Black and Native American women compared to white women. The Advisory Council members discussed the trauma Black and Native American women experience in health institutions, particularly for maternal health. The

¹⁴ Written information from Research in Action, 27 April 2022, on file with author.

¹⁵ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 15.

¹⁶ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 15.

¹⁷ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 15.

¹⁸ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

¹⁹ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

²⁰ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

Council also highlighted the insufficient attention paid to the wellness of Black women and mothers in health institutions.²¹ Task Force and Advisory Council members raised the importance of culturally relevant services, especially as it relates to individual, family, and community wellness and healing.²²

15. **Suggested questions** relating to health and access to health care:

- What steps has the State Party taken to address the racial disparity in maternal health care?
- What culturally specific trainings has the State Party provided to health care professionals. In these trainings, to what extent does the State engage with members of the Black community in developing or leading them?
- What legislative measures is the State Party considering to ensure all women have access to culturally competent services?

IV. Violence against women (Concluding Observations paragraph 19)

16. In its 2014 Concluding Observations, the Committee remained concerned about the “disproportionate number of women from racial and ethnic minorities... who continue to be subjected to violence, including rape and sexual violence.”²³ The Committee recommended the State Party intensify its efforts to combat violence against women, including ensuring effective investigations and prosecutions.²⁴ The Committee also recommended ensuring appropriate remedies for victims, sufficient resources for violence prevention and programmes, along with specific trainings for professionals working within the justice system.²⁵

17. Despite efforts to investigate and prosecute violence against women through programs such as the Grants to Indian Tribal Government Programs, the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, among other programs,²⁶ there remains a lack of targeted legislation ensuring all cases of missing and murdered women are adequately investigated and prosecuted, as will be discussed in the paragraphs below.

18. Black girls are at greater risk if they go missing due to being labelled as “runaways” more often. If law enforcement categorizes an individual as a “runaway,” they are less likely to allocate resources toward finding that individual. The media also will not pay as much attention if it is considered a runaway case.²⁷ Black girls are more likely to be classified as runaways

²¹ Written information from Research in Action, 27 April 2022, on file with author.

²² Written information from Research in Action, 27 April 2022, on file with author.

²³ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 19.

²⁴ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 19.

²⁵ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 19.

²⁶ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 105-110.

²⁷ Written information from Research in Action, 27 April 2022, on file with author.

compared to white girls.²⁸ Task Force members in particular highlighted Amber Alerts as crucial in sending community-wide notifications of a missing child, yet because Black girls are more likely to be classified as runaways, they do not meet the criteria to warrant an Amber Alert.²⁹ A Lieutenant on the Task Force emphasized that, in Minnesota, not every police department has a missing persons unit.³⁰ This dedicated unit offers law enforcement agents resources and time to dedicate to missing person cases that agents without these units do not have.³¹

19. Suggested questions relating to violence against women:

- What efforts has the State Party made to support tribal governments in the development and implementation of Amber Alert programs?
- What measures are in place to ensure law enforcement agencies have adequate resources for dedicated missing persons units, including for Black women and girls?
- What trainings does the State Party provide to law enforcement and other professionals to ensure cases are properly identified and labeled ‘missing persons?’
- What efforts has the State party taken to address the lack of media attention to cases of missing and murdered Black and Native American women and children?
- What measures are being considered to better coordinate investigations and prosecution of cases between state, federal, and tribal jurisdictions?

V. Criminal justice system (Concluding Observations paragraph 20)

20. In its 2014 Concluding Observations, the Committee welcomed recent measures taken by the State Party, including the August 2013 launch of the “Smart on Crime” initiative.³² The Committee remained concerned that members of racial and ethnic minority groups are “disproportionately arrested, incarcerated and subjected to harsher sentences,” among other concerns.³³

21. Racial and ethnic minorities continue to make up the majority of individuals involved in the criminal justice system and child protective services.³⁴ Members of the Advisory Council remain concerned about the fact that involvement in certain social programs or particular institutions is a pipeline to the criminal justice system.³⁵ Examples of these connections include investigations with child protective services, behavior issues in school, and attending substance

²⁸ Written information from Research in Action, 27 April 2022, on file with author.

²⁹ Written information from Research in Action, 27 April 2022, on file with author.

³⁰ Written information from Research in Action, 27 April 2022, on file with author.

³¹ Written information from Research in Action, 27 April 2022, on file with author.

³² Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 20.

³³ Convention for Elimination of Racial Discrimination, *Concluding observations on the seventh to ninth periodic reports on the United States of America, adopted by the Committee at its 2299th and 2300th sessions* (13 August – 14 August 2014), U.N. Doc. CERD/C/USA/CO/7-9, ¶ 20.

³⁴ Written information from Research in Action, 27 April 2022, on file with author.

³⁵ Written information from Research in Action, 27 April 2022, on file with author.

abuse treatment.³⁶ The Advisory Council members identified a lack of clarity of child protective services (CPS) investigation processes and practices that lead to Black women losing custody of their children.³⁷ The Advisory Council members also highlighted the many entry points for Black families into child welfare systems, such as through schools or health institutions policing Black families.³⁸

22. **Suggested questions** relating to the criminal justice system:

- What measures has the State party taken to address the root causes leading to child protective services cases?
- What steps, if any, is the State party taking to monitor the statistics and reasons behind loss of child custody, disaggregated by race?
- What legislative measures is the State party considering to address racial disparities in the criminal justice system?
- What steps has the State party taken to provide culturally specific training for those working with families, in consultation with members of the Black community and organizations that serve this community?

³⁶ Written information from Research in Action, 27 April 2022, on file with author.

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