



**The United States of America's Compliance with the International Covenant on Civil and Political Rights: Gender-Based Violence against Women**

**Submitted by  
The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**Lakeisha Lee**  
Chair of the **State of Minnesota Missing and Murdered African American Women Task Force (MMAAW)**

**for the 139th Session of the Human Rights Committee  
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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.

**Lakeisha Lee** is a vibrant community educator and has assisted in developing and encouraging students and the general public in achieving financial freedom, ending homelessness and fighting against sex trafficking and exploitation. In her current role as a System Admin Manager for Institute for Community Alliances she assists others with data and how it tells the story of homelessness through self-sufficiency, despite trauma experienced. Lakeisha is a graduate of Metropolitan State University, majoring in Criminal Justice, minoring in Community Development and Organization. She volunteers at Brittany's Place, which is a local non-profit housed under 180 Degrees. Brittany's place is a safe and sound shelter for girls. Lakeisha became interested in volunteering at Brittany's Place and took on the role as an advocate against sex trafficking in the Twin Cities after the untimely death of her sister, Brittany Clardy. With a 10-year background in financials, and personal lived experience, as an advocate Lakeisha has turned her personal pain into passion. As a life skills presenter and financial liaison, Lakeisha effortlessly dedicates herself to under-resourced communities of color, promoting healing, and economic

development as a member of the Missing and Murdered African American Women Task Force as board chair.

Lakeisha is the co-founder of The Brittany Clardy Foundation and in her spare time she loves spending time with her children, friends, and family members, enjoys reading a good book, trying new restaurants, and listening to live music in the metro area. Her most recent accomplishment is receiving the “Aware 2023” award for her commitment to addressing sexual violence in Minnesota by Minnesota Coalition Against Sexual Assault (MNCASA) during a conversation with Dr. Roxane Gay.

## EXECUTIVE SUMMARY

1. The Government of the United States of America has failed to uphold its obligations to protect women and children under the **International Covenant on Civil and Political Rights**. This report provides an overview of human rights developments related to violence against women and girls of color since the United States' last review. The submission summarizes and updates the information provided by The Advocates for Human Rights (“The Advocates”) and partners to the other human rights mechanisms.<sup>1</sup>
1. In the United States, somewhere between 64,000 and 75,000 Black girls and women are missing,<sup>2</sup> and Black women die of homicide at twice the rate of the general population of women.<sup>3</sup> Nationally, cases involving Black girls and women stay open, or remain pending, four times longer than other cases on average.<sup>4</sup> In the U.S. state of Minnesota, in 2020, 40% of domestic violence victims were Black, although they constitute less than 7% of Minnesota’s population.<sup>5</sup> Additionally, there is insufficient attention from both law enforcement and the media to cases of violence perpetrated against Black women and girl, a problem sometimes referred to as “missing white woman syndrome.”<sup>6</sup> Black women find themselves leading the important work of addressing violence against Black women and girls as well as helping victims, families, and community healing, but are doing so with very little resources. Indigenous women are also at greater risk of discrimination and violence and face ineffective responses by the state in protecting their fundamental rights to safety.
2. Specific services for Black women and girls are also under-resourced. Despite legislative advances, significant racial disparities in matters of ensuring culturally specific, safe, and affordable housing remain.

### **The United States fails to uphold its obligations under the International Covenant on Civil and Political Rights**

#### **I. Constitutional and legal framework within which the Covenant is implemented (art. 2, List of Issues Prior to Reporting, para. 3)**

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<sup>1</sup> The Advocates for Human Rights is presenting this report based on previous work done in collaboration with the partner organization Research in Action and The State of Minnesota’s Missing and Murdered African American Women Task Force for the United States review by the Committee on Elimination of Racial Discrimination (CERD). The Advocates have updated the report with desk research and interviews.

<sup>2</sup> National Center for Missing and Exploited Children

<sup>3</sup> 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>.

<sup>4</sup> 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>

<sup>5</sup> Violence Free Minnesota. *2020 Homicide Report: Relationship Abuse in Minnesota*

<sup>6</sup> “Missing White Woman Syndrome” is the term used to explain the phenomena in which race and gender impact whether a missing persons case receives media attention and the intensity of the attention that is generated. Zach Sommers, *Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons*, 106 *J. Crim. L. & Criminology* (2016). <https://scholarlycommons.law.northwestern.edu/jclc/vol106/iss2/4>

3. In its List of Issues Prior to Reporting (LOIPR), The Human Rights Committee (“the Committee”) requested information from the United States regarding the extent to and manner in which the ICCPR has been incorporated into domestic law at all levels, including the state level.
4. The 2021 Minnesota Legislature created the Missing and Murdered African American Women Task Force (MMAAW), the first of its kind in the U.S.<sup>7</sup> The MMAAW’s mandate charged the task force with examining: “1) systemic causes of violence against African American women and girls Appropriate methods of tracking and collecting data; 2) Policies, practices, and institutions that assist in perpetuation violence against African American women and girls; 3) Measures necessary to address and reduce violence against African American women and girls, and; 4) Measures necessary to help victims, their families, and their communities.”<sup>8</sup> The MMAAW processes lasted approximately one year, convening on November of 2021 and presenting its final report on December 16, 2022, with the support of the organization Research in Action (RIA).<sup>9</sup>
5. As a continuation of the MMAAW process, Minnesota’s congress passed HF55,<sup>10</sup> establishing an “Office of Missing and Murdered Black Women and Girls.” This office is the first of its kind in the country and it is currently in the preparation stage for its launch. Other states, such as Illinois and Wisconsin, have reportedly initiated similar task forces.<sup>11</sup>

## **II. Non-discrimination and equal rights of men and women (arts. 2, 3, 15, List of Issues Prior to Reporting, para. 7)**

6. In its List of Issues Prior to Reporting (LOIPR), The Human Rights Committee (“the Committee”) requested information from the United States regarding the measures to combat racial disparities in the criminal justice system, especially about “the overrepresentation of individuals belonging to racial and ethnic minorities in detention, the disproportionate representation of minorities in pretrial detention, including on account of the bail system, and the disproportionate length of sentences for racial and ethnic minorities.”<sup>12</sup>

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<sup>7</sup> Laws of Minnesota 2021, 1st Spec. Sess. Chapter 11, Article 2, Section 50, sourced on The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, The Advocates for Human Rights, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022

<sup>8</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023). Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>9</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023). Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>10</sup> Minnesota Legislature, HF 55 2nd Engrossment - 93rd Legislature (2023 - 2024), available at: [https://www.revisor.mn.gov/bills/text.php?number=HF55&type=bill&version=2&session=ls93&session\\_year=2023&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=HF55&type=bill&version=2&session=ls93&session_year=2023&session_number=0)

<sup>11</sup> Dana Ferguson, MPRnews, *The first office for missing and murdered Black women and girls set for Minnesota* (May 30, 2023), available online at: <https://www.npr.org/2023/05/30/1178390294/minnesota-first-office-for-missing-and-murdered-black-women-and-girls>

<sup>12</sup> Human Rights Committee, List of issues prior to submission of the fifth periodic report of the United States of America, 18 April 2019, UN. Doc. CCPR/C/USA/QPR/5, par. 7.

7. In its response to the LOIPR, the United States pointed to two specific laws as evidence that it had taken diverse measures to address racial discrimination within the criminal system. These included the implementation of the Fair Sentencing Act (Pub. L. No. 111–220) and the First Step Act (Pub. L. 115–391), which “authorized retroactive application” of the First Sentencing Act.<sup>13</sup>
8. The MMAAW report presents information about the heightened risk of experiencing sexual exploitation due to systemic racism and the higher arrests of black youth for charges related to sex trade. Asserting that “in 2019, FBI statistics showed that 51 percent of all prostitution arrests for youth under age 18 are of Black youth. In Minnesota, at least 5,000 youth reported trading sex for something of value, such as shelter or money: 1.7 percent of those reporting traded sex were Black, African, or African American, and 1.3 percent were cisgender girls.”<sup>14</sup> In this matter, the MMAAW report also observes, “[...] Black women and girls often go unnoticed as victims of sex trafficking. Instead, the focus on the sex trafficking victim is a young, white woman.”<sup>15</sup>
9. Black women continue to be incarcerated and receive more severe sentences than any other socio-demographic group.<sup>16</sup> According to the Sentencing Project, “In 2020, the imprisonment rate for Black women (65 per 100,000) was 1.7 times the rate of imprisonment for white women (38 per 100,000).”<sup>17</sup> Black women still make up 30 percent of the women’s prison population, and they continue to outnumber White women in the incarceration rate by two to one.<sup>18</sup> The disparity in incarceration rates is due, among other things, to the zero tolerance, overpoliced and inadequate school environment, which has “subjected them to violence, arrest, suspension and/or expulsion.”<sup>19</sup> In the general U.S. population, African American women constitute just 13 percent of females.<sup>20</sup> Despite recent action taken by President Biden to tackle

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<sup>13</sup> Human Rights Committee, Fifth periodic report submitted by the United States of America under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020, (11 November 2021) UN. Doc CCPR/C/USA/5, 17

<sup>14</sup> Office of Justice Programs, Missing And Murdered African American Women Task Force, (consulted on Feb. 10, 2023), p. 30. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>15</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023), p. 30. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>16</sup> Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 7 [https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter\\_Report.pdf](https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf)

<sup>17</sup> The Sentencing Project, *Incarcerated Women and Girls*, (consulted on February 10, 2023). Available at: <https://www.sentencingproject.org/app/uploads/2022/11/Incarcerated-Women-and-Girls.pdf> <https://www.sentencingproject.org/app/uploads/2022/11/Incarcerated-Women-and-Girls.pdf>

<sup>18</sup> Talitha L. LeFlouria, *Criminal justice reform won't work until it focuses on Black women*, The Washington Post, (February, 2021), <https://www.washingtonpost.com/outlook/2021/02/12/criminal-justice-reform-wont-work-until-it-focuses-black-women/>

<sup>19</sup> Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 8 [https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter\\_Report.pdf](https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf)

<sup>20</sup> <https://www.americanprogress.org/article/fact-sheet-the-state-of-african-american-women-in-the-united-states/>

systemic racism, Black women still make up 30 percent of the women’s prison population, and they continue to outnumber White women in incarceration rate by two to one.<sup>21</sup>

10. According to the National Black Women’s Justice Institute, “there is a connection between sex abuse and the eventual criminalization and incarceration of Black women and girls. Girls in the juvenile justice system have typically experienced overwhelmingly high rates of sexual violence. Of women in jail—44% of whom are Black—86% have experienced sexual violence.”<sup>22</sup> Further, the report *The Sexual Abuse To Prison Pipeline: The Girls’ Story* states, “although rates of overrepresentation vary significantly by jurisdiction, the national trends are revealing. African American girls constitute 14 percent of the general population nationally, but 33.2 percent of girls detained and committed.”<sup>23</sup>
11. The Advocates interviewed experts in law enforcement and criminal justice about dynamics of the federal system in the U.S. and what further recommendations can be done to have a law enforcement and a criminal justice system that ensures non-discrimination and equality in institutional practices and policies. The interviewees asserted that law enforcement receives mixed messages from the various levels of government. “We have 502 police departments just in Minnesota. Because we have state police, county police, county sheriffs, and local police. So, on a federal level, thousands of police departments. But one clear [thing] is that police departments on some level are acting at the behest of local government. Police departments are not going to do what they are not being directed to do. So even in Minneapolis, where some of the city council people wanted to defund the police, those same city council people were at city council meetings telling the chief that he needed to do something about the crime and homicide in their region. So the message is certainly confusing to police departments. [...] I think it’s also important that we hold politicians accountable for not doing anything. It’s just like gun violence. Federal laws supersede state laws. So, if the federal departments do something, that could be helpful. But states need to do something too.”<sup>24</sup> Likewise, interviewees asserted the enormous influence the federal government has over local law enforcement by providing funding for programs.<sup>25</sup>
12. Racial discrimination permeates the law enforcement institution; the Minnesota Department of Human Rights found in its report, “MPD [Minneapolis Police Department] maintains an organizational culture where officers are trained to be aggressive towards community members, which leads to officers escalating situations and often using inappropriate levels of force. The accountability systems in place are insufficient and ineffective at holding officers

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<sup>21</sup> Talitha L. LeFlouria, *Criminal justice reform won’t work until it focuses on Black women*, The Washington Post, (February, 2021), <https://www.washingtonpost.com/outlook/2021/02/12/criminal-justice-reform-wont-work-until-it-focuses-black-women/>

<sup>22</sup> National Black Women’s Justice Institute, *Black Women, Sexual Assault, and Criminalization.*” (Apr. 12, 2021) Available at: <https://www.nbwji.org/post/black-women-sexual-assault-criminalization>

<sup>23</sup> Human Rights Project for Girls, Georgetown Law Center on Poverty and Inequality, Ms. Foundation for Women, *The Sexual Abuse To Prison Pipeline: The Girls’ Story*,( February 2015) P.7, available at: <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls’-Story.pdf>

<sup>24</sup> Interview of Police Expert 1 by The Advocates for Human Rights, February 2023.

<sup>25</sup> Interview of Police Expert 2 by The Advocates for Human Rights, February 2023.

accountable. Instances of police misconduct are not properly investigated, not timely addressed, and officers are not held consistently accountable.”<sup>26</sup>

13. Interviewees highlighted the connection of institutional chauvinism with systemic discrimination to African American and African people in the United States. The lack of women police officers in law enforcement, and particularly of African American women, exacerbates the excessive use of force, as well as the lack of effective communication, conflict resolution and targeted action to crimes against women.<sup>27</sup>
14. According to experts on law enforcement, the United States lacks sufficient training and capacity building for law enforcement officials to tackle systemic racism within the institutions and they need more trauma-informed actions and context training within their law enforcement departments.<sup>28</sup>
15. **Suggested recommendations** relating to Criminal Justice:
  - Consult with civil society organizations that serve or advocate for Black women and girls to identify the root causes of the disproportionate incarceration rates and to determine measures to take to address them.
  - Take steps, in consultation with civil society, to ensure legislation does not have retroactive disparate impacts on marginalized communities.

**The United States fails to protect women violence adequately, disproportionately affecting women and children of color (arts. arts. 2, 3 and 26, List of Issues Prior to Reporting, para. 10).**

16. In its Concluding Observations, The Committee noted the prevalence of domestic violence in the country with women of color being at particular risk.<sup>29</sup> The Committee also raised its concern about the obstacles victims face to obtain remedies and protection.<sup>30</sup> In its List of Issues prior to Reporting, the Committee inquired about the measures taken by the United States to combat physical and sexual violence against women in educational setting and in the armed forces.<sup>31</sup>
17. More than half of Indigenous women have experienced sexual violence and nearly one in three have experienced rape in their lifetime, according to data from May 2022.<sup>32</sup> Tribal authority to prosecute perpetrators is undermined and the latter are often able to evade justice, denying access to justice to the survivors, due to the complex interrelation between federal, state and

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<sup>26</sup> The Minnesota Department of Human Rights, Investigation into the City of Minneapolis and the Minneapolis Police Department, (April 27, 2022), p. 5. Available at: [https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department\\_tcm1061-526417.pdf](https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf)

<sup>27</sup> Interview of Police Expert 1 by The Advocates for Human Rights, February 2023.

<sup>28</sup> Interview of Police Expert 2 by The Advocates for Human Rights, February 2023.

<sup>29</sup> Human Rights Committee, Concluding observations on the 4th periodic report of the United States of America, (23 April 2014), UN. Doc CCPR/C/USA/CO/4, ¶16

<sup>30</sup> Human Rights Committee, Concluding observations on the 4th periodic report of the United States of America ,( 23 April 2014), UN. Doc CCPR/C/USA/CO/4, ¶16

<sup>31</sup> Human Rights Committee, List of issues prior to submission of the fifth periodic report of the United States of America, (18 April 2019), UN. Doc. CCPR/C/USA/QPR/5, ¶10.

<sup>32</sup> Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

tribal jurisdictions.<sup>33</sup> While the 2010 Tribal Law and Order Act (TLOA) and the 2022 reauthorization of VAWA have partially addressed this issue, there continue to be challenges related to the authority of tribes to protect women and the legislation has not yet resulted in any significant decrease in rates of sexual violence against indigenous women.<sup>34</sup> Research also shows that VAWA has failed to properly protect Black women from violence. VAWA’s mandatory arrest provision resulted in an increase in police involvement within the Black community, which also led to a greater likelihood of arrest and brutality for Black women due to racial and gender-stereotyping.<sup>35</sup>

18. A report by the Missing and Murdered African American Women Task Force (MMAAW) found that, due to racial profiling, Black women and girls “are fully aware that if they report crimes to law enforcement or other sources, they are likely to be met with disbelief or disdain.”<sup>36</sup> The report exhibits that in instances of crimes that are more likely to go unreported, such as domestic violence and sexual assaults, it is necessary to include factors such as “the impact of negative stereotypes and histories of state violence” on the discourage of reporting from Black Women.<sup>37</sup>
19. Experts interviewed for this submission identified actions that should be improved in tackling the systemic discrimination on law enforcement and the criminal justice system in the U.S. For example, interviewees identified a lack of state action on service provision, monitoring, and data collection as a particular barrier for African American women seeking assistance when they are victims of gender-based violence and domestic violence.<sup>38</sup> One interviewee stated that civil society organizations are the leading actor documenting the key necessities of victims/survivors and the rate of effectiveness of the support and remedies provided to victims/survivors.<sup>39</sup> The interviewee's observation indicates that having agencies, such as city attorney offices, support this data collection would be beneficial. These actions could enhance the response to domestic violence cases, as those need to be evaluated with a long-term view. In the interviewee’s words, “we are not tracking how successful victims are with what we are offering them.”<sup>40</sup> The interviewees also exemplify how “there is no aftercare for the victim.

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<sup>33</sup> Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

<sup>34</sup> Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

<sup>35</sup> Rhea Shinde, *Black Women, Police brutality and the Violence Against Women Act: How Pro-Arrest Policies Facilitate Racialized and Gender Police Violence*, Georgetown Journal of Gender and the Law, 2021, <https://www.law.georgetown.edu/gender-journal/black-women-police-brutality-and-the-violence-against-women-act-how-pro-arrest-policies-facilitate-racialized-and-gendered-police-violence/>

<sup>36</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023), ¶ 29. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>37</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023), p. 29. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>38</sup> Interview of Police Expert 2 by The Advocates for Human Rights, February 2023.

<sup>39</sup> Interview of Police Expert 2 by The Advocates for Human Rights, February 2023.

<sup>40</sup> Interview of Police Expert 2 by The Advocates for Human Rights, February 2023.



There is nobody. We [most states] have a reparations board, but it's not clear that victims get that information. Or that they get it in a way, and in a panic, and [not] in a time when they can hear it and absorb it.”<sup>41</sup>

20. **Suggested recommendations** relating to violence against women:

- Ensure law enforcement agencies have adequate resources for dedicated missing persons units, including for Black and Native women and children.
- Provide trainings to law enforcement and other professionals to ensure cases are properly identified and labeled as “missing persons.”
- Conduct culturally appropriate and gender-sensitive training for media and encourage the expansion of media coverage of cases of missing and murdered Black and Indigenous women and children.
- Enact legislation to better coordinate investigations and prosecution of cases between state, federal, and tribal jurisdictions.
- Provide additional funding for criminal justice and victims services, with input from Tribal communities and civil society organizations.
- Take measures and allocate sufficient resources to investigate and remedy violence against Black women and girls.
- Consider taking measures necessary to reduce and prevent violence against Black women and girls.

***Family separations within the child welfare system disproportionately affects children of racial or ethnic minorities, particularly Black and Indigenous children***

21. The Indian Child Welfare Act (ICWA) seeks to provide for the best interests of Indigenous children by requiring a high burden of proof, its protections of minor mothers, and its preference of extended family or tribal kins for adoption placement.<sup>42</sup> Nevertheless, Black and Indigenous children are still disproportionately overrepresented in foster care and in the child welfare system,<sup>43</sup> which exposes them to trauma, further abuse and the risk of sex trafficking.<sup>44</sup>

22. **Suggested recommendations** relating to Child Welfare:

- Take measures to address the root causes leading to child protective services cases.

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<sup>41</sup> Interview of Police Expert 1 by The Advocates for Human Rights, February 2023.

<sup>42</sup> Kathryn Fort, *The Indian Child Welfare Act: Preserving Families Is In Children's Best Interests*, Harvard Law; Petrie-Flom Centre, May 12, 2022, available online at: <https://blog.petrieflom.law.harvard.edu/2022/05/12/the-indian-child-welfare-act-preserving-families-is-in-childrens-best-interests/>

<sup>43</sup> National Center for Juvenile Justice, “Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2020)”, [http://ncjj.org/AFCARS/Disproportionality\\_Dashboard.asp?selDisplay=2](http://ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2)

<sup>44</sup> Leticia Smith-Evans, Janel George et al., *Unlocking Opportunity for African American Girls*, 27, 2015, Available online at: [https://www.naacpldf.org/wp-content/uploads/Unlocking-Opportunity-for-African-American\\_Girls\\_0\\_Education.pdf](https://www.naacpldf.org/wp-content/uploads/Unlocking-Opportunity-for-African-American_Girls_0_Education.pdf)

- Undertake studies to monitor the statistics, causes, reasons, and impacts of the loss of child custody, disaggregating it by race and gender.
- Provide ongoing and culturally specific trainings for those working with families, in consultation with or led by members of the Black and Indigenous communities and organizations that serve these communities.

### ***Inadequate housing places for vulnerable women and children***

23. Women, children, and minorities are disproportionately impacted by poor and insecure housing and living conditions.<sup>45</sup> The MMAAW members reported 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.<sup>46</sup> Being precariously housed increases the chances of experiencing violence, especially for Black women and girls.<sup>47</sup> The Task Force Advisory Council (“Advisory Council”) members highlighted how unstable housing for youth can lead girls to resort to survival sex, or become victimized by sexual exploitation, to obtain housing.<sup>48</sup> Insufficient housing support has also forced many Black and marginalized women and girls to continue living with their abusive partner,<sup>49</sup> adversely impacting their safety, and mental and overall health.<sup>50</sup>

### **24. Suggested recommendations relating to Housing:**

- Ensure effective implementation of the Fair Housing Act and support ongoing monitoring of its implementation to ensure it is applied without discrimination or with discriminatory impact.
- Provide adequate funding for organizations specializing in providing housing and other resources to survivor victims and marginalized women and children.

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<sup>45</sup> U.S. Department of Health and Human Services, *Child Health, Health Resources and Services Administration, Maternal and Child Health Bureau*, (2011), *Women’s health USA 2011*. Rockville, MD: U.S. Department of Health and Human Services.

<sup>46</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 11

<sup>47</sup> Patty R. Wilson, Kathryn Laughon, “How to House, Shelter to Shelter: Experiences of Black Women Seeking Housing after Leaving Abusive Relationships,” *Journal of Forensic Nursing*, April 2015, 77 [https://www.researchgate.net/publication/277082252\\_House\\_to\\_House\\_Shelter\\_to\\_Shelter\\_Experiences\\_of\\_Black\\_Women\\_Seeking\\_Housing\\_After\\_Leaving\\_Abusive\\_Relationships](https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships)

<sup>48</sup> Nicole Martin Rogers, Virginia Pendleton, *Missing and Murdered Indigenous Women Task Force A report to the Minnesota Legislature*, December 2020, 10, <https://www.lrl.mn.gov/docs/2020/mandated/201198.pdf>

<sup>49</sup> Patty R. Wilson, Kathryn Laughon, “House to House, Shelter to Shelter: Experiences of Black Women Seeking Housing After Leaving Abusive Relationships” *Journal of Forensic Nursing*, April 2015, [https://www.researchgate.net/publication/277082252\\_House\\_to\\_House\\_Shelter\\_to\\_Shelter\\_Experiences\\_of\\_Black\\_Women\\_Seeking\\_Housing\\_After\\_Leaving\\_Abusive\\_Relationships](https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships)

<sup>50</sup> Patty R. Wilson, Kathryn Laughon, “House to House, Shelter to Shelter: Experiences of Black Women Seeking Housing After Leaving Abusive Relationships” *Journal of Forensic Nursing*, April 2015, 81 [https://www.researchgate.net/publication/277082252\\_House\\_to\\_House\\_Shelter\\_to\\_Shelter\\_Experiences\\_of\\_Black\\_Women\\_Seeking\\_Housing\\_After\\_Leaving\\_Abusive\\_Relationships](https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships)

- Expand efforts to identify vulnerable and at-risk women and children and consult with those adults and organizations who serve them to best understand and address their needs.
- Provide culturally-specific support and resources for marginalized women and children that is either led by or developed in consultation with the groups that directly serve these populations and best understand their needs.

### ***Discrimination against Black girls and in the educational system***

25. Data released by the Department of Education reveals that in 2012, Black girls were suspended from school six times more often as their White counterpart and they were overall more likely to receive punitive discipline.<sup>51</sup> Such patterns of punishment within the school system jeopardizes their attendance rate and therefore their chances of earning a degree.<sup>52</sup> Restriction of self-expression, in particular Black girls' hair, and policing of their image is one example of how Black girls are disproportionately impacted and experience discrimination.<sup>53</sup> Research has found that discrepancies in discipline contribute to the pipeline to the criminal justice system,<sup>54</sup> with an estimated 1 in 18 Black women "incarcerated at least once in their lifetime compared to 1 in 111 white women and 1 in 45 Latinas."<sup>55</sup>
26. The MMAAW report also observes that "insufficient mental health resources, teacher bias, and racially biased school policies all play a role in the increased discipline, suspension, and expulsion rates that Black girls experience in schools. The consequences of exclusion from school activities due to disciplinary actions can be severe, ranging from lower academic performance to early involvement with the criminal justice system."<sup>56</sup>
27. Regarding the criminal justice system, and the impact systemic discrimination has on Black women and girls, the MMAAW report states, "Given established discrepancies in law enforcement and juvenile court practices that disproportionately affect Black girls, the perception of Black girls as less innocent and more adult-like may contribute to more punitive exercise of discretion by those in positions of authority, greater use of force, and harsher penalties."<sup>57</sup> Indeed, there is a documented correlation between exclusionary discipline in

<sup>51</sup> Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 16, [https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter\\_Report.pdf](https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf)

<sup>52</sup> Connie Wun, "Angered: Black and non-Black girls of color at the intersections of violence and school discipline in the United States", *Race Ethnicity and Education*, 2018, 423 DOI: 10.1080/13613324.2016.1248829

<sup>53</sup> Research in Action & Minnesota Department of Public Safety, *Missing and Murdered African American Women Task Force. Final Report.*

<sup>54</sup> Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 5, <https://www.aapf.org/publications>

<sup>55</sup> The African American Policy Forum, *The Plight of Black Girls and Women in America*, (13 July 2022), <https://www.aapf.org/publications>

<sup>56</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023), p. 29. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

<sup>57</sup> Office of Justice Programs, *Missing And Murdered African American Women Task Force*, (consulted on Feb. 10, 2023), p. 29. Available at: <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>

schools and adult contact with the criminal justice system.<sup>58</sup> In 2007, an estimated “38.5% of Black girls had been suspended, compared to 11.6% for white girls,<sup>59</sup>” largely due to supposed behavioral issues.<sup>60</sup>

28. Black girls are often at greater risk if they go missing, due to authorities labelling them as “runaways” more often. Black girls are more likely to be classified as runaways compared to white girls.<sup>61</sup> When law enforcement categorizes an individual as a “runaway,” they are less likely to allocate resources toward finding that individual. The media also tends not to pay as much attention if it is considered a runaway case.<sup>62</sup> Task Force members 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.<sup>63</sup> A Lieutenant on the Task Force added that, in Minnesota, not every police department has a missing persons unit.<sup>64</sup> This dedicated unit offers law enforcement agents resources and time to dedicate to missing person cases that agents without these units do not have.<sup>65</sup>

29. **Suggested recommendations** relating to Education:

- Undertake or support studies to understand the suspension and other academic punishments levied in K-12 public schools, with a specific focus on racial disparities and uncovering the reasons for those punishments.
- Develop, following comprehensive studies and consultations with affected populations, culturally appropriate training and reforms of relevant academic

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<sup>58</sup> Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 4, <https://www.aapf.org/publications>

<sup>59</sup> The African American Policy Forum, *The Plight of Black Girls and Women in America*, (13 July 2022), <https://www.aapf.org/publications>

<sup>60</sup> Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 5, <https://www.aapf.org/publications>

<sup>61</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 22.

<sup>62</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 22.

<sup>63</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 22.

<sup>64</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 22.

<sup>65</sup> The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *The United States of America’s Compliance with the International Convention on the Elimination of Racial Discrimination Parallel Report Relating to Rights of Women and Girls of Color*, July 15, 2022, ¶ 22.

policies to address discrimination against Black girls in terms of school punishments, self-expression, and other policies.

- Provide adequate funding for various programs, including specific line items intended to address discrimination and the specific needs of Black and minority schoolgirls, provided by the Department of Education.