

Response to U.S. Report on the State of Human Rights in the United States

The recent report on domestic human rights issues submitted by the State Department to the United Nations Human Rights Council is a welcome acknowledgement of the U.S. government's commitment to participation in the U.N. Human Rights Council.¹ While pleased with the government's participation in the UPR process, we are disappointed that this report failed to fully describe the current status of compliance with international human rights standards. In particular, in the areas of education, housing, and health, the government report did not acknowledge serious problems *already identified* by the U.N. in its most recent review of U.S. policy, under the Convention on Elimination of All Forms of Racial Discrimination (CERD), a treaty that the U.S. ratified in 1994.

Education: The U.S. report to the Human Rights Council highlights government's initiatives to assist underserved students and acknowledges the existence of an ongoing racial achievement gap in American schools. However, the report fails to address underlying issues of segregation or to demonstrate clearly how the achievement gap is being addressed. The report ignores the findings of the U.N. Committee on the Elimination of Racial Discrimination (the CERD Committee) which issued its Concluding Observations in March, 2008, specifically recommending that the U.S. government:

(1) "adopt all appropriate measures . . . to reduce the persistent 'achievement gap' between students belonging to racial, ethnic, nor national minorities and white students . . . by improving the quality of education provided to these students;" and

(2) "undertake further studies to identify the underlying causes of *de facto* segregation and racial inequalities in education, with a view to elaborating effective strategies aimed at promoting school de-segregation and providing equal educational opportunity in integrated settings for all students."

¹ This report is in compliance with the on-going "Universal Periodic Review" process conducted by the U.N. Human Rights Council periodically for all countries that are members of the Council.

Health: In the area of health, the U.S. report correctly noted the racial disparities that pervade health outcomes in the U.S. The report highlights the successful passage and signing into law of the Affordable Care Act, which the government states will “help our nation reduce disparities and discrimination in access to care that have contributed to poor health.” While we support the stated efforts to reduce such disparities, the Affordable Care Act will not eliminate obstacles to adequate health care for minorities, as addressed in the CERD Committee’s Concluding Observations (including “lack of available health insurance, unequal distribution of health care resources, persistent racial discrimination in the provision of health care and poor quality of public health care services”). Additionally, as discussed at length in our 2008 report to the CERD Committee, titled *Unequal Health Outcomes in the United States*, there is a strong link between health disparities and segregation within communities – including not only lack of local resources, but also increased environmental health risks.² These issues were not addressed in the government’s report.

Housing: In the housing section of the U.S. report, the government acknowledges the extreme need for affordable housing in all communities and the increase in illegal practices such as predatory and discriminatory lending following the recent economic crisis. However, the report ignores persistent residential segregation and concentration of racial, ethnic and national minorities in low-income, low-opportunity neighborhoods. Significantly, these issues were the focal point of the U.N. CERD Committee’s Concluding Observations in 2008, which have not yet been responded to by the U.S. government. The CERD Committee specifically urged the U.S. to:

intensify its efforts aimed at reducing the phenomenon of residential segregation based on racial, ethnic and national origin, as well as its negative consequences for the affected individuals and groups. In particular, the Committee recommends that the State party (i) support the development of public housing complexes outside poor, racially segregated areas...

Conclusion: While the U.S. report touches upon many of the concerns highlighted by civil society groups during this UPR process, the report failed to go far enough in acknowledging the current obstacles to full international human rights compliance in the United States. Chief among these obstacles are continuing policies of racial and economic segregation that are built into U.S. policy and that urgently need to be dismantled.

Resources: For copies of the U.S. Report to the Human Rights Council, as well as detailed reports submitted by PRRAC and other advocacy groups, please visit our webpage on CERD and the UPR, at www.prrac.org/projects/CERD.php.

² See CERD Working Group on Health and Environmental Health, *Unequal Health Outcomes in the United States*, January 2008, available at <http://www.prrac.org/pdf/CERDhealthEnvironmentReport.pdf>