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**Racismo, discriminación racial, xenofobia y formas conexas
de intolerancia: seguimiento y aplicación de la Declaración
y el Programa de Acción de Durban**

Visita a los Estados Unidos de América

Informe de la Relatora Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia*

Resumen

Por invitación del Gobierno, la Relatora Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia, Ashwini K. P., visitó los Estados Unidos de América del 31 de octubre al 14 de noviembre de 2023. El propósito de su visita era evaluar las manifestaciones de racismo, discriminación racial, xenofobia y formas conexas de intolerancia, así como las medidas adoptadas para hacer frente a estos fenómenos. En el informe, la Relatora Especial subraya que los Estados Unidos se encuentran en un momento crítico en lo que respecta a la lucha contra el racismo, la discriminación racial, la xenofobia y las formas conexas de intolerancia. En esta tesitura, es vital que el Gobierno de los Estados Unidos, autoridades federales y estatales incluidas, planten cara urgentemente al discurso de odio racial y a los delitos motivados por el odio, y no cejen en su empeño por eliminar el racismo y la discriminación racial sistémicos.

* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó.



Anexo

Informe de la Relatora Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia sobre su visita a los Estados Unidos de América

I. Introduction

1. The Special Rapporteur visited the United States between 31 October and 14 November 2023. She travelled to Washington D.C., Detroit, Los Angeles, New Orleans, Baton Rouge and Atlanta and met with federal, State and city government officials.

2. The Special Rapporteur sincerely thanks the Government for the invitation to visit and for the efforts of the Department of State to facilitate meetings with multiple interlocutors. The Special Rapporteur also thanks all the government officials she met with for their constructive and open engagement. The Special Rapporteur expresses her appreciation to all the civil society groups and individuals she met with.

II. Background

A. General background

3. The United States is a constitutional federal republic, comprising 50 states and one district, together with a number of commonwealths, territories and possessions.¹ Official data indicate the population of the United States as being 334,914,895, as at 1 July 2023.² According to census data, the ethnic breakdown of the population is as follows: white, 75.5 per cent; Black or African American, 13.6 per cent; Asian, 6.3 per cent; American Indian and Alaska Native, 1.3 per cent; Native Hawaiian and other Pacific Islander, 0.3 per cent; and two or more races, 3 per cent. The United States Census Bureau considers Hispanic to mean persons of Spanish/Hispanic/Latino origin living in the United States who may be of any race or ethnic group. An estimated 19.1 per cent of the total United States population is Hispanic (as of 2023).³

B. Legal framework

4. At the constitutional level, the Fourteenth Amendment includes the Equal Protection Clause, which provides for equality before the law and protection against discrimination on the basis of race, colour or national origin. The Thirteenth Amendment abolished slavery and involuntary servitude, “except as a punishment for crime”. The Fifteenth Amendment establishes the right to vote regardless of race, colour or previous condition of servitude. The Nineteenth Amendment established women’s suffrage.

5. The United States has ratified some of the international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴ It does, however, maintain reservations to articles in these treaties and has not ratified the provisions that allow the relevant treaty bodies to assess individual complaints. Moreover, the United States has not ratified the International Covenant on Economic, Social and Cultural Rights,

¹ See [HRI/CORE/1/Add.49](#).

² United States Census Bureau, “QuickFacts: United States”, available at <https://www.census.gov/quickfacts/fact/table/US/RHI125222>.

³ Ibid.

⁴ Available from <https://tbinternet.ohchr.org>.

the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.

III. Key issues relating to the Special Rapporteur's mandate and relevant government initiatives

A. Systemic racism and intersecting forms of discrimination

6. Many from racially marginalized groups in the United States continue to experience persistent systemic racism. Systemic racism has been defined as “the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.”⁵

7. Individuals described systemic racism as “being in the air we breathe” and persisting “from cradle to grave”, articulating the pervasive, pernicious, far-reaching and unrelenting nature of the injustice.

8. Systemic racism, as rooted in enslavement, the transatlantic trade in enslaved Africans and colonialism, profoundly affects people of African descent. It is also clear that the white supremacy and settler colonialism that is inherent in systemic racism affecting people of African descent also leads to other forms of racism, racial discrimination, xenophobia and related intolerance which impact Indigenous Peoples, those living in the overseas territories, Latinos/Hispanics, migrants, Asians, Jewish communities, Muslims, and Arabs. Additionally, many that the Special Rapporteur met with reported facing multiple, intersecting and mutually compounding forms of discrimination, including on the basis of race, colour, descent, national or ethnic origin, sex, gender, gender identity, religion, sexual orientation, nationality, migration status, disability, religion and/or socioeconomic status.

9. The Special Rapporteur commends the federal Government on developing several cross-cutting initiatives to address racial discrimination. These include Executive Order 13985, entitled Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; Executive Order 14091, entitled Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and measures to ensure that federal government funding is directed towards historically underserved communities. She welcomes the fact that these executive orders and action plans recognize the systemic nature of racial discrimination, reflect a strong commitment to eliminating racial discrimination and commit to a whole-of-government approach. The Special Rapporteur also appreciates the information that she received about equity assessments and action plans across federal government departments to review how underserved communities and their members face systemic barriers in accessing benefits and opportunities.

10. Given the importance of access to remedy to addressing systemic racism, the Special Rapporteur also welcomes information she received about mechanisms in place across the federal Government to receive complaints of discrimination, including racial discrimination. She noted with concern, however, the lack of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

⁵ See [A/HRC/47/53](#).

11. Unrelenting systemic racism is defined and driven by a lack of resolution, remedy and reparations for historical patterns and ongoing legacies of chattel slavery and colonialism. The Special Rapporteur welcomes some promising practices in this regard, such as reparations initiatives in California and attempts at the federal level to develop the H.R. 40 bill to establish a Commission to Study and Develop Reparation Proposals for African Americans. However, she noted a lack of information received during her visit about concrete progress towards the adoption of a comprehensive reparatory justice approach that includes tangible reparations for slavery, colonialism and systemic racism.

B. Voting rights

12. One of the ways that systemic racism and white supremacy are upheld is by blocking those from marginalized racial and ethnic groups from exercising and accumulating political power. The Special Rapporteur is deeply concerned about multiple reports of sustained legislative measures at the state level that suppress the votes of eligible voters and about their disproportionate impact on racially marginalized groups, including people of African descent, Indigenous Peoples and persons of Latino/Hispanic origin.⁶ The 2013 United States Supreme Court decision in *Shelby County, Alabama v. Holder* deemed section 4 (b) of the 1965 Voting Rights Act, an important piece of civil rights legislation, to be unconstitutional. Section 4 (b) of this legislation had provided the formula for determining which jurisdictions were covered under section 5 of the same law. Section 5 required jurisdictions that had a history of voting discrimination to obtain pre-clearance from the Attorney General or a federal court before implementing changes in election procedures and practices.⁷ The effect of the *Shelby County* decision was that jurisdictions that previously needed to seek pre-clearance for new voting changes no longer needed to do so.⁸

13. Over 100 pieces of state legislation, which have introduced measures that have led to the disenfranchisement of voters, disproportionately from marginalized racial and ethnic groups, have followed the Supreme Court's ruling. This includes in states with a history of racial segregation under Jim Crow laws, such as Alabama, Florida, Georgia and Mississippi.⁹ Provisions have mandated gerrymandering in a manner that can have a racially disparate impact, the continuation of voting restrictions for persons with felony convictions, restrictive voter ID laws, restricting access to polling by limiting the range of geographical locations and the time periods within which people can vote, the curtailment of early and absentee voting and the prohibition and criminalization of the provision of food and water to people waiting hours in lines to vote.¹⁰ In addition to legal assaults on the right to vote, there are reported cases of the intimidation of voters from racially marginalized groups and of election officials, including incidents involving firearms.

14. In response to such concerning trends, the Special Rapporteur commends Executive Order 14019, entitled Promoting Access to Voting, which directs federal agencies to identify and implement ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process. The Special Rapporteur also welcomes the development of draft legislation to update protection against voting discrimination, particularly the John R. Lewis Voting Rights Advancement Act.

⁶ See [CERD/C/USA/CO/10-12](#).

⁷ United States Department of Justice, "Reflecting on the 10th anniversary of *Shelby County v. Holder*", 23 June 2023.

⁸ Southern Poverty Law Center, Alabama Forward and Florida Rising Together, joint submission to the Human Rights Committee, 12 September 2023, available at <https://www.splcactionfund.org/sites/default/files/splc-voting-rights-report-iccpr.pdf>.

⁹ Ibid.

¹⁰ See [CCPR/C/USA/CO/5](#) and <https://www.splcactionfund.org/sites/default/files/splc-voting-rights-report-iccpr.pdf>.

C. The equal right to education

15. Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination prohibits all forms of racial discrimination and bestows broad duties upon States parties to prevent, eliminate and remedy all forms of such discrimination. Moreover, article 5 of the Convention provides for the right to equality before the law in the enjoyment of several economic, social and cultural rights, including education and training. At the national level, racial segregation was seemed unconstitutional in the 1954 United States Supreme Court judgment in *Brown v. Board of Education*. Despite such protections, ongoing racially discriminatory educational segregation and stratification, as a legacy of legalized discrimination, segregation and stratification, persists. Many children attend educational facilities from kindergarten to grade 12 (K–12) that are highly racially and ethnically homogenous. During the 2020/21 school year, more than a third of K–12 students, constituting about 18.5 million minors, attended schools where 75 per cent or more students were of a single race or ethnicity.¹¹ Due to economic inequality, poverty, and significant inequities in the investment of public resources between areas, many children of African descent or from Indigenous and/or Latino/Hispanic communities tend to experience overcrowded classrooms, a lack of qualified teachers and of schoolbooks and instructional materials, and insufficient extracurricular activities. In relation to ongoing educational segregation, the Special Rapporteur welcomes the Department of Education’s Fostering Diverse Schools Demonstration Grants Program, as well as guidance provided by the Department’s Office for Civil Rights to ensure that education is equally available and accessible to all students.

16. Second-rate K–12 educational provision can lock children from marginalized racial and ethnic groups into poverty and economic exclusion by shaping their access to subsequent educational and employment opportunities. Disengagement because of poor-quality education, combined with the ways that systemic racism shapes certain childhoods, contributes to behavioural issues. Rather than addressing the root causes of such behavioural issues, some schools have implemented zero-tolerance policies that impose severe punishments for infractions of rules and have delegated discipline to police. Increased numbers of suspensions and expulsions and, in some cases, school-based arrests, have directly resulted in measurable radicalized impact. This has created a “school to prison pipeline”, in which Black and Latino children are pushed out of schools and into the juvenile or criminal justice system, with irreparable effects on the course of their lives.¹² These policies reflect racialized effects that directly burden children’s right to education and lifelong opportunity. In this respect, the Special Rapporteur welcomes the release in 2023, by the Department of Education’s Office for Civil Rights and the Department of Justice’s Civil Rights Division, of the Resource on Confronting Racial Discrimination in Student Discipline.

17. Disinvestment policies are furthered by policy and law seeking to whitewash the retelling of the history of racial discrimination. The Special Rapporteur is concerned by initiatives aiming to exclude critical race theory from curricula and to prevent the teaching of racial and ethnic studies, as well as by the underfunding of and historical divestment in historically Black colleges and universities.

D. Affirmative action in college admissions

18. Despite the persistence of societal inequalities which powerfully shape access to higher education, including deep educational segregation and stratification at the K–12 stages, the United States Supreme Court’s decisions in *Students for Fair Admissions v.*

¹¹ United States Government Accountability Office, “K-12 education: student population has significantly diversified, but many schools remain divided along racial, ethnic, and economic lines”, report to the Chairman of the Committee on Education and Labor of the House of Representatives, June 2022.

¹² American Civil Liberties Union, “School-to-prison pipeline”.

Harvard and Students for Fair Admissions v. University of North Carolina effectively eliminated the use of race as a factor in college admissions.

19. The transformative potential of higher education to help break generational cycles of poverty and social exclusion is undeniable. It can provide access to opportunities for those from marginalized racial and ethnic groups to gain economic and political power and disrupt systemic racism. Diverse student bodies have the potential to enhance the educational experiences of all students, building respect for difference and diversity.

20. Article 2 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination provides that “States parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms”. Article 5 (e) (v) explicitly obliges States parties to undertake to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law in enjoyment of the right to education.

21. In this regard, and despite efforts by the federal Government, and some state governments, to mitigate the impact of the Supreme Court decision, it is the effect and not the intention of state policy that will determine compliance.

22. Efforts to mitigate prior decisions on affirmative action at the state level, including in California and Michigan, have reportedly not prevented significant drops in the college attendance rates of those from racially marginalized groups. The Special Rapporteur therefore stresses the importance of legal protections for affirmative action. Some universities and governments have construed the *Students for Fair Admissions* opinion more broadly than its language requires, to exclude all efforts to promote student body diversity or consider individual students’ racialized experiences.¹³ These reports and others raise grave and well-founded concerns that, in the post-*Students for Fair Admissions* context, the United States may not be capable of meeting its obligations with respect to guaranteeing the right to equality before the law in the enjoyment of equality in the right to education, as set forth under the International Convention on the Elimination of All Forms of Racial Discrimination.

E. Poverty and economic inequality

23. The Special Rapporteur is concerned by reports of the overrepresentation of those of African descent, Indigenous Peoples, those living in the overseas territories and persons of Latino/Hispanic origin among those living in poverty. These concerns are compounded by reports about the criminalization of poverty, whereby petty offences are used to lock people into the criminal justice system. Criminalizing poverty is a driver of mass incarceration, which often further impoverishes people. By punishing individuals for poverty and its effects, laws and policies criminalizing poverty obscure how inequality and social exclusion are components of systemic racism.

24. The Special Rapporteur is also concerned by reports of significant racial income and wealth gaps. This is driven by factors such as employment-related discrimination; systemic racism, as a legacy of past racial injustices, and historical government divestment limiting the ability of families from racially marginalized communities to build generational wealth; racial discrimination within the labour market; and the explicit extraction and exploitation of resources from such communities. The 2014 subprime mortgage crisis exemplified economic injustices experienced by those from marginalized racial and ethnic groups. It created the largest loss of Black and Latino wealth in history, a reverse redlining exercise as Black and Latino people were explicitly targeted for adjustable-rate mortgages even when qualifying for standard fixed-rate loans. The Special Rapporteur commends measures taken by the federal Government to build Black wealth and narrow the racial wealth gap.

¹³ National Association for the Advancement of Colored People Legal Defense Fund, “Affirmative action in higher education: the racial justice landscape after the SFFA cases” (2023).

F. Housing and homelessness

25. Shocking levels of homelessness exist among people of African descent in the United States. The Special Rapporteur witnessed unhoused people of African descent in the Skid Row area of Los Angeles, and elsewhere in the city, and in Washington D.C., Detroit, New Orleans and Atlanta. She also received information about high levels of homelessness in places that she could not visit, including Florida and New York City, and among Native American Indigenous communities.¹⁴ People of African descent, who represent around 13 per cent of the general population, account for 37 per cent of people experiencing homelessness and more than 50 per cent of homeless families with children, according to some data.¹⁵ Many unhoused people reportedly suffer from mental health problems and substance abuse.

26. State policy often exacerbates homelessness, excludes unhoused persons from public goods and accommodation and/or acts as a barrier to the protection and promotion of human rights. Many states with visible, intractable homelessness do not have right-to-shelter laws, rendering services and shelter initiatives voluntary and piecemeal. Many localities have passed laws banning and penalizing sitting, lying down, sleeping, using or maintaining personal property on a street or sidewalk, or in the vicinity of a school, day-care centre, park or library. The Special Rapporteur is shocked by such laws and policies, which criminalize homelessness, as well as by initiatives such as the targeting of encampments of unhoused persons, the banning of the sharing of food with unhoused people, and the disproportionate application of criminal sanctions for loitering, jaywalking or consuming alcohol among unhoused persons. Such practices unnecessarily and cruelly contribute to mass incarceration, obscure the State's concrete obligation to prevent and address racial discrimination, and constitute a comprehensive status-based denial of social protection.

27. Gentrification policies were identified as a key driver of a lack of affordable housing and homelessness, despite states and municipalities having the ability to mandate affordable or free housing in communities as robustly as they subsidize and incentivize real estate developers' investments. Some zoning laws ban so-called "tiny houses", impose minimum size requirements on dwellings, or otherwise prohibit cost-effective initiatives to structurally target homelessness. The Special Rapporteur also received concerning information about spatial segregation along racial lines as a legacy of the racist practice of redlining.

28. Despite severe racially inequitable levels of homelessness, there has reportedly been a concerning shuttering of government services for unhoused persons, including in Los Angeles and Atlanta. Significant gaps and weaknesses in available support services persist, including a reported lack of appropriate services for unhoused lesbian, gay, bisexual, transgender and intersex persons and unhoused women. The Special Rapporteur received information about very concerning cases that involved cessation of services because the service location was desirable to developers.

G. Environmental racism

29. The devastating effects of the climate and ecological crises are disproportionately borne by those who face conditions of systemic inequality and racism, despite having contributed the least to the ongoing crises. The people affected are disproportionately concentrated in "sacrifice zones", including "Cancer Alley", which the Special Rapporteur visited in Louisiana. These are regions rendered dangerous and even uninhabitable owing to environmental degradation. The direct link from historical patterns of racial subjugation extending back to chattel slavery to state policy disregarding the health and other human rights of people affected in the relevant policymaking today is clear.

30. "Cancer Alley" is an area along the Mississippi River, between Baton Rouge and New Orleans, where many former plantations are located. The area is now inhabited predominantly by communities of African descent, including communities of descendants of

¹⁴ National Alliance to End Homelessness, "Homelessness and racial disparities", available at <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/>.

¹⁵ Ibid.

enslaved people set up intentionally after emancipation. The acquisition of land formerly used as plantations by corporations and its use for extractive and harmful practices is deeply racially and culturally insensitive. Corporate activities reportedly take place in areas believed to be burial sites of those formerly enslaved persons.

31. “Cancer Alley” has been subjected to an onslaught of petrochemical and fossil fuel plants due to predatory land acquisition practices and zoning laws and decisions that have privileged commercial interests, to the exclusion of local residents. There has been a resulting displacement of many from their homes, communities and roots, as well as the large-scale extraction of resources and wealth from the local communities of African descent. The concentration and intensity of industrial activity has resulted in severe environmental degradation and pollution, has led to a high concentration of serious and life-threatening health conditions, including cancer, autoimmune diseases, maternal and neonatal health issues, skin diseases and respiratory illnesses. The Special Rapporteur was very shocked by reports that an 18-month-old baby of African descent, living in “Cancer Alley”, had already been exposed to nearly a recommended lifetime’s limit of exposure to one toxic chemical. Despite the extremely adverse and racially disparate effects of the petrochemical industry and the already intense concentration of factories in “Cancer Alley”, industrial projects continued to be planned in the region. The Special Rapporteur was deeply concerned by what she witnessed in the “Cancer Alley” region, as well as by reports of other manifestations of environmental racism. These include the Flint water crisis; the water crisis in Jackson, Mississippi; and proposals to destroy large parts of the South River Forest in Atlanta to make way for a large-scale police and fire department training facility, named the Atlanta Public Safety Training Center and sometimes referred to as “Cop City”. The Special Rapporteur is also concerned about reports of severe environmental contamination from commercial and military activities in areas of the overseas territories. This includes, for example, heavy environmental contamination in the island municipality of Vieques, Puerto Rico, following the Navy occupation between 1972 and 2003 and the lack of a subsequent clean-up, leading to significant negative impacts on the health of communities in Vieques.

32. The Special Rapporteur also received concerning information about how racially marginalized groups are disproportionately forced to live in areas where they have an increased risk of being exposed to natural disasters and extreme weather events, sometimes in addition to living with elevated exposure to high levels of pollution and contamination, because of systemic societal inequalities. Moreover, there have been stark racial disparities in policy for government assistance to victims of natural disasters, such as after Hurricane Katrina.¹⁶ Racial and colonial dynamics have also contributed to the impact of natural disasters in certain areas, such as in response to Hurricane Maria in Puerto Rico and after the Maui fires and Kaua‘i floods in Hawaii.

33. The Special Rapporteur welcomes relevant measures taken by the federal Government, including Executive Order 14008, entitled Tackling the Climate Crisis at Home and Abroad, the setting up of the White House Environmental Justice Advisory Council, and some of the reported work of the Environmental Protection Agency aimed at achieving environmental justice.

H. Right to adequate food

34. Those from racially marginalized groups, including those of African descent, Latinos/Hispanics, Indigenous Peoples and those in the overseas territories experience food insecurity at disproportionate rates. For example, in 2022, one in five people of African descent in the United States experienced food insecurity and 29 per cent of children of African descent lived in food-insecure households.¹⁷ The Special Rapporteur welcomes measures taken by the federal Government to address hunger and food insecurity, including the numerous food assistance programmes. She did, nevertheless, receive concerning reports

¹⁶ Carroll Doherty, “Remembering Katrina: wide racial divide over government’s response”, Pew Research Center, 27 August 2015.

¹⁷ Feeding America, “Facts about hunger in Black communities”, available at <https://www.feedingamerica.org/hunger-in-america/black-communities>.

about “food swamps”, geographical areas in which only poor-quality food is available, and “food deserts”, areas in which no food is available. The areas where those from racially marginalized groups live and work are disproportionately food swamps and food deserts, with serious consequences on health outcomes.

35. Individuals from racially marginalized groups are also more likely to experience the harmful effects of the systemic racism baked into a food system that is grounded in racially discriminatory land acquisition and use, exploitative labour, and corporate food dependence. In relation to such trends, the Special Rapporteur received concerning information about the severe exploitation of migrant workers who perform farmwork under H-2A visas, the exclusion of farmers of African descent from federal support to farmers, and some gaps and weaknesses in federal food assistance programmes.

I. Health care and health outcomes

36. The racially inequitable morbidity and mortality rates witnessed during the coronavirus disease (COVID-19) pandemic laid bare the systemic racism in the health-care system of the United States. Inequities reportedly persist across the health-care system. Policy decision-making in the health sector, which impacts the social determinants of health, further establishes entrenched racial hierarchies in enjoyment of the right to health and access to health care in the United States. Despite research establishing the roles that physicians, hospital systems and others may play in the everyday manifestation of systemic racism,¹⁸ the sector has not responded with urgency or immediacy in promoting accountability, remediation or reform. Years later, people of African and/or Latino descent continue to experience the same systemic deficiencies in their care.

37. Those from marginalized racial and ethnic groups experience higher rates of illness and death across a wide range of health conditions, including diabetes, hypertension, obesity, asthma and heart disease.¹⁹ These health outcomes are determined by various manifestations of systemic racism, including issues relating to access to quality food, access to health-care services, and racism and unconscious bias among health-care providers against people from marginalized racial and ethnic groups when they access services.²⁰ The Special Rapporteur received many reports about the lack of access to health care, including mental health care, among marginalized racial and ethnic groups due to a lack of facilities, including in rural areas; racially inequitable health insurance coverage; and gaps within insurance coverage. The Special Rapporteur commends measures taken by the Department of Health and Human Services, such as the National Institutes of Health UNITE and Community Partnerships to Advance Science for Society (ComPASS) initiatives. She welcomes the fact that their work has recognized the racially inequitable impact of the COVID-19 pandemic and taken it as impetus to further apply a racial and ethnic equity lens to their work. She also appreciates that their work, including on disability, recognizes intersectional forms of discrimination and how these impact health outcomes.

38. The Special Rapporteur was deeply concerned by the racially inequitable impact of both the maternal mortality crisis and the federal Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization*. It is shocking that women, particularly women of African descent and Indigenous women, can neither choose to safely have a child within the health-care system nor choose to freely have a safe, legal abortion. The Special Rapporteur

¹⁸ Tiffani J. Johnson and others, “The impact of cognitive stressors in the emergency department on physician implicit racial bias”, *Academic Emergency Medicine*, vol. 23, No. 3 (2016), pp. 297–305; Kelly M. Hoffman and others, “Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between blacks and whites”, *Proceedings of the National Academy of Sciences of the United States*, vol. 113, No. 16 (2016), pp. 4296–4301; and Salima H. Meghani, Eeeseung Byun and Rollin M. Gallagher, “Time to take stock: a meta-analysis and systematic review of analgesic treatment disparities for pain in the United States”, *Pain Medicine*, vol. 13, No. 2 (February 2012), pp. 150–74.

¹⁹ Centers for Disease Control and Prevention, “Racism and health”, available at <https://www.cdc.gov/minorityhealth/racism-disparities/index.html>.

²⁰ Centers for Disease Control and Prevention, “Health disparities”, available at <https://www.cdc.gov/healthyyouth/disparities/index.htm>.

welcomes measures taken by the Government to address this crisis, including the White House Blueprint for Addressing the Maternal Health Crisis; Executive Order 14076, entitled Protecting Access to Reproductive Health-care Services; and Executive Order 14079, entitled Securing Access to Reproductive and Other Health-care Services.

J. Gun violence

39. The Special Rapporteur received deeply concerning information about high and growing rates of gun-related deaths and injuries and the disparate impact of such tragedies on individuals of African descent, Indigenous Peoples and Latino/Hispanic communities. Children and teens of African descent are five times more likely to die from gun homicide than white peers.²¹ Such violence destroys the fabric of communities and leads to extensive secondary trauma as communities needlessly lose family members, friends and peers. The Special Rapporteur is shocked that firearms injuries were the leading cause of death in those aged from 1 to 19 the United States in 2022.²² The disparate impact of gun violence is a tragic manifestation of the way that American society systemically applies an “adultification” bias to children from racially marginalized groups.

40. Many of the root causes of the gun violence impacting marginalized racial and ethnic groups are grounded in systemic racism. The Special Rapporteur heard in Detroit about how societal trends – including unprocessed grief and trauma from the disproportionate losses suffered during the COVID-19 pandemic, intergenerational trauma, drug use driven by societal exclusion and the lack of treatment options as determined by race, and the absence of socioeconomic opportunities resulting from sustained community disinvestment – were contributing to patterns of gun violence. The failure of the Government to control firearms effectively and the significant commercial interests of the firearms industry are also key root causes that must be addressed. The Special Rapporteur commends the passing of the Bipartisan Safer Communities Act and the establishment of the White House Office of Gun Violence Prevention, as well as the efforts of some states, including Michigan, to address gun-related harm among those from marginalized racial and ethnic groups.

K. Law enforcement and the criminal justice system

41. The Special Rapporteur is concerned about reports of the surveillance and overpolicing of Black, Arab, Islamic, Indigenous and Latino/Hispanic communities, and how it contributes to lack of trust between these groups and law enforcement agencies. The alleged endemic use of racial profiling by police officers and officers from a range of law enforcement agencies, such as Immigration and Customs Enforcement and Customs and Border Protection, is a component of this surveillance and overpolicing and contributes significantly to lack of trust. The Special Rapporteur is concerned that Customs and Border Protection has jurisdictional authority in regions within 100 miles of United States borders. This allows them broad powers to set up checkpoints and undertake immigration checks, which can reportedly be undertaken on the basis of racial profiling. Moreover, Customs and Border Protection officers reportedly often overstep their already broad powers and stop and search people, disproportionately from marginalized racial and ethnic groups, without a basis for reasonable suspicion or a warrant, in violation of due process. These tendencies are reportedly exacerbated by a lack of training among officers and inadequate monitoring and accountability within the Department of Homeland Security.

42. Stop-and-search activities often lead to intimidating and dangerous situations for minorities in the United States. Police officers and other law enforcement officials often fail to de-escalate situations, sometimes leading to the excessive and lethal use of force by police

²¹ Leonardo Mariño-Ramírez and others, “Comparison of US firearm-related deaths among children and adolescents by race and ethnicity, 1999-2020”, *JAMA Network*, vol. 328, No. 23 (2022).

²² Centers for Disease Control and Prevention, “Fast facts: firearm violence and injury prevention”, available at <https://www.cdc.gov/violenceprevention/firearms/fastfact.html>.

and law enforcement officers, that can lead to those from racially marginalized groups being injured or killed.

43. Qualified immunity provisions and shields provided by police unions are factors perceived to create a lack of accountability for such human rights violations and to reinforce a sense of impunity. In this regard, it is concerning that the relevant frameworks regulating the use of force by law enforcement officials reportedly do not consistently enshrine the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination.

44. Those from racially marginalized groups who are convicted of crimes are often more likely to be sentenced to excessive custodial sentences, such as life without the possibility of parole and other excessive sentences, including those which exceed natural life expectancy, referred to collectively as “death by incarceration” sentences. The Special Rapporteur is shocked that these sentences are applied even in cases of non-violent offences; offences, such as felony murder, where the accused may not have been directly involved in the commission of a violent crime; and cases where alleged offences took place in the context of domestic abuse. Death by incarceration sentences are disproportionately used when sentencing individuals of African or Latino/Hispanic descent, including children.²³ Sentences that condemn people, including minors, to die in prison and do not offer the chance of parole negate the purported rehabilitative function of the prison system, reducing it to a tool of segregation and exploitation. Moreover, death by incarceration sentences can be considered to constitute cruel, inhuman and degrading treatment²⁴ and their racially disparate use violates the prohibition of racial discrimination, in contravention of international human rights treaties that the United States is party to. The Special Rapporteur is also appalled by the continued incarceration of people of African descent in Louisiana, convicted by non-unanimous juries under Jim Crow-era laws, despite the ruling decision of the United States Supreme Court in *Ramos v. Louisiana*.

45. The Special Rapporteur received reports of poorly paid or unpaid forced labour by prisoners, who are disproportionately from racially marginalized groups. Such work is sometimes hazardous, including in conditions which are remarkably similar to historical patterns of chattel slavery. For example, the Special Rapporteur was shocked by reports that descendants of those subjected to slavery, imprisoned in Louisiana State Penitentiary, located on a former plantation, are forced to pick cotton while being patrolled by armed white men on horseback. The Thirteenth Amendment ended slavery and involuntary servitude in 1865, except as punishment for a crime.

46. Following the end of legally mandated chattel slavery, the arrest and incarceration of people of African descent for petty crimes or vagrancy reportedly increased, facilitating access to free or very low-cost labour by business interests.²⁵ Continuing free or very low-cost labour from detainees, disproportionately people of African descent, in working conditions that at times do not meet relevant United States safety standards, serves to support for-profit commercial activities. Even more shockingly, incarceration is still used today as a tool to extract free or very low-cost labour from people of African descent.

47. The Special Rapporteur is concerned by reports she received about the racial disparities in the use of solitary confinement, including to punish persons who refuse hazardous prison labour. In one detention facility in California, the Special Rapporteur observed only persons who appeared to be from racially marginalized groups in the area used for solitary confinement.

48. The conditions of detention in the United States include policies and practices that could lead to human rights violations. Reports of overcrowding of prisons and the use of jails

²³ See communication USA 12/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28080>.

²⁴ See the conference room paper of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement on their visit to the United States, available at <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-international-independent-expert-mechanism-advance-racial>.

²⁵ Ibid.

lacking suitable facilities and programmes for long-term detention persist. There are reported cases of violence, including sexual violence, including against incarcerated persons from marginalized racial and ethnic groups, allegedly perpetrated by detainees and prison officials. Health-care services are reportedly inadequate; this includes a lack of gender-appropriate facilities and services for women, and lesbian, gay, bisexual, transgender and intersex persons, including those from racially marginalized groups. Incarcerated women with life sentences without the possibility of parole reported to the Special Rapporteur that they had been denied medical assistance by prison officials, who told them they had been sent to prison to die, so they could not access health care.

49. The Special Rapporteur welcomes legislative efforts to address racial discrimination in law enforcement and the criminal justice system, such as the End Racial and Religious Profiling Act, the George Floyd Justice in Policing Act and the First Step Act. She commends the federal Government for taking action on these important issues, including through Executive Order 14074, entitled Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, which is aimed at building trust between police and communities, improving accountability and enhancing public safety. The Special Rapporteur also welcomes information she received about the work of the Department of Justice on many of the issues outlined above, which includes the development of Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity and Disability, steps to withdraw previous guidance that supported harsh sentencing, and the implementation of relevant training activities. In addition, the Special Rapporteur appreciates the work of the Department of Homeland Security on these issues, including the development of the Department Policy on Body-worn Cameras, the update to the Department Policy on the Use of Force, and the Policy Statement Reaffirming the Commitment to Non-discrimination in Department of Homeland Security Activities, as well as law enforcement training activities mandated by that policy statement.

50. Nevertheless, sustained progress towards criminal justice reform, as an essential component of racial justice, requires deeper transformation of public safety and criminal justice paradigms, practices and systems. A transformative approach requires the debunking of the false, and often implicitly or overtly racist, public narratives that overpolicing and mass incarceration among racially marginalized groups ensures public safety effectively. Such an approach also requires confronting the impact of the significant investment of public funds in law enforcement and mass incarceration over the decades, concurrent with historical underinvestment and divestment in racially marginalized communities, which runs counter to the promotion and protection of human rights and the State's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

L. Migration governance

51. The Special Rapporteur is deeply concerned about reports of how systemic racism, including pervasive anti-Blackness and antipathy to other non-white migrants, including Latinos/Hispanics and Arabs, is deeply embedded within migration governance in the United States. "Prevention through deterrence" policies and practices often disregard or disdain the State's obligation to asylum-seekers. Shocking imagery reminiscent of chattel slavery, including one image of border patrol personnel on horseback allegedly lassoing a Haitian man returning after having procured food for his family, convey the degrading and dehumanizing treatment of asylum-seekers. The United States reportedly continues to aggressively externalize and militarize its borders to prevent migration, often resulting from instability in the Global South, to which it has directly contributed. There is an increasing use of surveillance and other forms of digital technology to support the externalization and militarization of borders, despite negative human rights implications.

52. There are reports of mandatory detention of non-citizens without due process or access to legal representation, in detention centres with inadequate, and sometimes dangerous, conditions. Such immigration detention reportedly has a disparate impact on asylum-seekers of African descent and those from other racially marginalized groups. The

Special Rapporteur was also very concerned to hear about the “prison to deportation pipeline”, where individuals, often from marginalized racial and ethnic groups, are immediately transferred to federal Immigration and Customs Enforcement detention after release from state prisons. Each of these policies should be reviewed taking into consideration the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention.

53. “Prevention by deterrence” policies, grounded upon systemic racism, fail to recognize that many push factors for migration to the United States, such as climate change and conflict and insecurity, are rooted in colonialism and slavery and thus should be responded to through a reparatory justice lens. Additionally, the Special Rapporteur received reports during her visit that current policies do not always allow for a full and individualized assessment of international protection claims. Practices, including maritime interdictions, pushbacks at the border, and deportations without judicial review, reportedly result in violations of the fundamental principle of non-refoulement. The Special Rapporteur also received reports that discriminatory treatment in the migration process is exacerbated by the lack of full language accessibility in the system. The Special Rapporteur welcomes measures by the federal Government to address migration issues, particularly the cessation of Title 42 in 2023 and the 2021 Proclamation on Ending Discriminatory Bans on Entry to The United States.

M. Digital technologies and racial discrimination

54. The Special Rapporteur is concerned about the increasing use of artificial intelligence technologies within many facets of public life, including health care, education, migration governance, and law enforcement, despite the experimental nature of such technologies and the significant potential for algorithmic bias and the deepening of racial inequalities. She welcomes Executive Order 14110, entitled Safe, Secure and Trustworthy Development and Use of Artificial Intelligence, and the multiple references therein to the risks of bias and discrimination in the use of artificial intelligence. Yet, despite robust research setting forth profound algorithmic bias in digital commercial products in use, there is a lack of explicit reference to racial discrimination and bias.

55. The Special Rapporteur is concerned by racially disparate access to digital technologies; the unreliable nature of some digital technologies used in the provision of government services, such as the electronic monitoring systems required by those on probation, and the Customs and Border Protection One app (an online platform designed to allow access to a range of United States Customs and Border Protection services); the tolerance of racialized error rates in digital commercial products; and the language inaccessibility of many digital tools used by the Government to administer essential public services. The Special Rapporteur was particularly concerned by reports that asylum-seekers of African descent have not been able to access the Customs and Border Protection One app because the photographic recognition systems used sometimes do not recognize darker skin tones.

N. Protection from caste-based discrimination

56. Caste-based discrimination is reportedly multifaceted and highly prevalent in many parts of the United States. Despite a narrative that caste-based discrimination does not exist among the South Asian diaspora, the lived experiences of individuals affected are in sharp contrast to this. Structural caste discrimination within the United States has complex historical roots and multiple manifestations, including high levels of psychological fear about being “outed” as “lower caste”; discrimination in education, the workplace and religious settings; and interpersonal abuse, including violence.²⁶

57. Caste is not a protected ground in most anti-discrimination legislation at the federal and state levels, despite the International Convention on the Elimination of All Forms of

²⁶ Maari Zwick-Maitreyi and others, *Caste in the United States: A Survey of Caste Among South Asian Americans* (Equality Labs, 2018).

Racial Discrimination providing protection from caste-based discrimination, as a form of descent-based discrimination.²⁷ Such a lack of legal protection contributes to the insidious and invisible nature of caste-based discrimination and creates a culture of impunity for perpetrators, as victims have no formal recourse. The Special Rapporteur highly commends Seattle for recently adding caste as a protected ground within state anti-discrimination legislation, setting an important precedent for the country. She is, on the other hand, concerned and disappointed that similar efforts to add caste to the list of protected grounds in California's anti-discrimination legislation were vetoed by the Governor, despite being passed by both houses of the state legislator. Nor was the Special Rapporteur convinced by the California Governor's rationale that existing provisions provide protection from caste-based discrimination. To the contrary, precision in specifying all forms of racial discrimination is vital.

O. Hate speech and hate crime

58. The Special Rapporteur is deeply concerned by the high and growing levels of racist hate speech, including online and offline hate speech, and hate crime. Data published by the Federal Bureau of Investigation in 2022 recorded 11,634 hate crime incidents involving 13,337 offences.²⁸ Such figures, despite being very high, are likely an underestimate, due to gaps and weaknesses in hate crime reporting, including the fact that the reporting of hate crimes by law enforcement agencies to the Federal Bureau of Investigation is voluntary, as well as fear and mistrust in reporting among the communities affected. The Special Rapporteur perceives hatred, othering and stereotyping to be key features of systemic racism and white supremacy and is concerned about the growing prevalence and mainstream acceptance of racial hatred, including the use of hate speech among political figures. She commends measures to address hatred, including the Attorney General's Memorandum on Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents, the COVID-19 Hate Crimes Act and the Emmett Till Antilynching Act.

P. Anti-Black racism and hatred against those of African descent

59. The Special Rapporteur is alarmed by information indicating that hate crime against people of African descent continues to be the most common form of such hatred.²⁹ Extremism, accelerationist ideologies, white supremacist ideas, and the glorification of terrorist activities targeting those of African descent have become significantly more integrated in mainstream society and politics. They are also more widely disseminated, including through the sharing and amplification of such hateful materials on mainstream social media platforms. These forms of racist hatred have motivated many horrifying race-based hate crimes, including mass shootings in El Paso, Texas; Buffalo, New York; and Jacksonville, Florida.

60. While welcoming broad government initiatives on hate incidents, the Special Rapporteur was concerned by the absence of information she received during her visit about specific, targeted measures to address pervasive hatred against people of African descent.

Q. Anti-Asian hate

61. The Special Rapporteur received concerning information about high levels of anti-Asian hatred, including verbal harassment, bullying, microaggressions, and discriminatory treatment in shops and on public transport. It was described to her how Asians experienced cyclical patterns of hate, which often involved scapegoating Asians for adverse events, such as the COVID-19 pandemic. The Special Rapporteur was deeply concerned by

²⁷ Committee on the Elimination of Racial Discrimination, general recommendation No. 29 (2002).

²⁸ Federal Bureau of Investigation, "FBI releases 2022 hate crime statistics", available at <https://www.justice.gov/hatecrimes/hate-crime-statistics>.

²⁹ FBI, "Crime Data Explorer", available at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

reports of violent hate crimes, including fatal incidents, believed to potentially be motivated by racial scapegoating of Asians for the COVID-19 pandemic.

62. The Special Rapporteur welcomes steps taken at the federal level to address anti-Asian hate, including the COVID-19 Hate Crimes Act and the Presidential Memorandum Condemning and Combating Racism, Xenophobia and Intolerance Against Asian Americans and Pacific Islanders in the United States. She also welcomes federal legislation, such as California's Increasing Safety for Public Transit Riders Bill and Protecting Customers' Civil Rights at Businesses Bill.

R. Antisemitism

63. The Special Rapporteur's visit took place in the aftermath of the escalation of violence in Israel and the occupied Palestinian territories since 7 October 2023. The Special Rapporteur is deeply concerned by reports that such events have been a catalyst for unacceptable rises in antisemitism, including online and offline hate speech, harassment, threats, violence, hostility towards Jewish students in educational settings, vandalism of Jewish property and desecration of places of worship. The Special Rapporteur was saddened to hear from individuals how scared individuals were within the current climate and how some did not feel comfortable expressing their religious identity in public. This escalation of antisemitism is particularly concerning given that it was already at a record high, as reflected in data for 2022 published by the Federal Bureau of Investigation at the end of 2023. According to such data, single-bias anti-Jewish hate crime incidents in 2022 totalled 1,122 in 2022, which was an increase compared to 2021. Assaults, as the most serious form of antisemitism, also increased, according to the data.³⁰

64. Given the corrosive impact of antisemitic hatred on society and democracy and its negative effects on the safety of Jewish communities, the Special Rapporteur commends the establishment of the Inter-agency Policy Committee on Antisemitism, Islamophobia and Related Forms of Bias and Discrimination and its development of the United States National Strategy to Counter Antisemitism.

S. Islamophobia, anti-Arab racism and anti-Palestinian racism

65. Federal Bureau of Investigation data for 2022 indicated that there were 158 incidents of anti-Muslim religious hatred, which was a similar level to 2021. The Special Rapporteur is deeply concerned by the ways that escalation of violence in Israel and the occupied Palestinian territories since 7 October 2023 has been a catalyst for unacceptable rises in Islamophobia and anti-Arab and anti-Palestinian hate. Incidents reported include hate speech and hate crimes, harassment, employment-based discrimination and bullying, and discrimination in educational settings.³¹ Communities affected reported that the climate is reminiscent of the anti-Arab hate that characterized the post-9/11 period. Accusations of antisemitism on the basis of legitimate criticism of treatment of Palestinians by Israel are of concern to the Special Rapporteur.³²

66. In this context, the Special Rapporteur welcomes the much-needed development by the Inter-agency Policy Committee on Antisemitism, Islamophobia and Related Forms of Bias and Discrimination of a national strategy on Islamophobia.

³⁰ Ibid.

³¹ Council on American-Islamic Relations, "CAIR received 1,283 complaints over past month, an 'unprecedented' increase in complaints of Islamophobia, anti-Arab bias", 9 November 2023.

³² Council on Academic Freedom, letter to the Chair and ranking member of the Senate Judiciary Committee regarding the Center for Security, Race and Rights at Rutgers University-Newark Law School, 29 February 2024, available at <https://mesana.org/advocacy/committee-on-academic-freedom/2024/02/29/letter-to-the-chair-and-ranking-member-of-the-senate-judiciary-committee-regarding-the-center-for-security-race-and-rights-at-rutgers-university-newark-law-school>.

IV. Conclusions and recommendations

A. Conclusions

67. The United States sits at a critical juncture in the fight against racial discrimination. On the one hand, issues of racism and racial discrimination have gained increased attention recently. The murders of George Floyd, Breonna Taylor and many others, the racially disparate impact of COVID-19 and the large-scale racial justice protests in 2020 brought some of the realities of continuing systemic racism more into the mainstream American consciousness. Following the sustained advocacy of civil society actors, this racial reckoning has been translated into a strong commitment to racial justice and some promising government initiatives designed to improve racial equality and eliminate systemic racism.

68. On the other hand, it was abundantly clear that persistent, multifaceted and mutually reinforcing forms of systemic racism and racial discrimination remain and that it will take time for current initiatives to translate into significant improvements in the lived experiences of the individuals affected the most. Moreover, these initiatives do not adequately address the white supremacy, underlying power imbalances, historical divestment, extractivism and settler colonialism which underpin contemporary forms of racial discrimination in the United States.

69. The Special Rapporteur also witnessed, with profound concern, a climate characterized by deep political polarization and volatility, economic uncertainty, extreme income and wealth inequality, and severe damage to the fabric of American society. These trends are creating fertile ground for hatred, including the othering, stereotyping and scapegoating of those from racially marginalized groups.

70. Meaningful and sustained efforts to address and to provide reparations for the harms of slavery, colonialism and enduring systemic racism are fundamental to the elimination of racial discrimination within the United States. Accordingly, significant additional attention and resources must be directed towards the development of a comprehensive reparatory justice approach, which includes meaningful reparations for colonialism, slavery and systemic racism.

B. Recommendations

71. Unless otherwise specified, all recommendations are for the Government of the United States.

Addressing systemic racism and intersecting forms of discrimination

72. Invest significant attention and resources at the federal and state levels to develop a comprehensive reparatory justice approach, which includes reparations for slavery, colonialism and sustained systemic racism, in full and meaningful consultation with affected individuals and communities. Consideration should be given to passing relevant legislation, including the H.R. 40 bill, and to issuing an executive order on reparations.

(a) Ensure that all anti-racism efforts effectively target white supremacy, power imbalances between racial groups and the historical drivers of racial discrimination.

(b) Establish an independent national human rights institution consistent with the Paris Principles and ensure that it has the mandate and the capacity to receive and investigate complaints of all forms of racial discrimination and to coordinate efforts to achieve racial equality and justice.

(c) Ensure that all efforts to address racial discrimination take into consideration the intersectional forms of discrimination often faced by those from racially marginalized groups.

(d) **Ensure the full implementation of relevant international instruments on racial justice, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action.**

(e) **Ratify all the core human rights treaties to which the United States is not a State party.**

(f) **Strengthen efforts to collect and coordinate the collection of data, fully disaggregated by race and ethnicity, across all areas of government activity to monitor the situation of racially marginalized individuals and groups, including those experiencing intersectional forms of discrimination, and better target laws, policies and programmes.**

(g) **Ensure access to remedy to all victims of racial discrimination, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.**

Ensuring voting rights for all

(h) **Ensure the full and urgent restoration of the 1965 Voting Rights Act.**

(i) **Enact further legislation to reinforce voting rights, including passing the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act.**

(j) **Urgently strengthen the implementation of Executive Order 14019.**

(k) **Repeal any legislation at the federal or state level that impedes equal access to the right to vote, including any provisions that restrict the rights of formally incarcerated persons to vote.**

(l) **Ensure that electoral district lines are drawn by fully independent and politically impartial bodies, which are mandated to analyse the impact of any changes on the rights of marginalized racial and ethnic groups.**

(m) **Promptly investigate all acts of voter intimidation against members of marginalized racial and ethnic groups, and where appropriate, prosecute implicated individuals.**

(n) **Address the political disenfranchisement of many of those within the overseas territories through full and meaningful consultation with individuals and groups and through processes of decolonization.**

Addressing racial discrimination in education

(o) **Ensure that all teachers and school staff are trained in racial equality, implicit bias, and non-discrimination standards.**

(p) **Implement effectively the Resource on Confronting Racial Discrimination in Student Discipline, of the Department of Education and the Department of Justice.**

(q) **Develop and implement a national action plan to address educational segregation and stratification, ensuring that it addresses disparities in educational funding.**

(r) **Ensure that accurate historical accounts and critical race theory are permitted within educational settings.**

(s) **Remove police from schools and invest resources in addressing the root causes of school discipline infractions.**

(t) **Take all steps necessary to correct discrepancies in funding provided to historically Black colleges and universities and remedy historical divestment in these institutions.**

Affirmative action in college admissions

(u) Consider the reinstatement of affirmative action in college admissions in both state and federal law, in line with article 2 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination.

(v) Take all legal steps to support the access of those from racially marginalized groups to high-quality college education.

(w) Colleges should take all legal steps to mitigate the impact of the Supreme Court's findings in *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. University of North Carolina* and other relevant federal and state jurisprudence on affirmative action in college admissions. These legal decisions should be construed narrowly, as they do not prohibit all consideration of race, nor do they alter the responsibility to enforce anti-discrimination law.

(x) Colleges should eliminate the reliance on standardized testing for admissions, which has been shown to unfairly disadvantage many from marginalized racial and ethnic groups.

(y) Colleges should expand outreach and recruitment pathways from middle and high schools that are targeted at students from racially marginalized groups.

(z) Colleges should consider limiting legacy admissions, which replicate the historical exclusion of racially marginalized groups.

(aa) Colleges should consider reparations to the descendants of victims of slavery, including facilitating access to higher education.

Poverty and economic inequality

(bb) Step up efforts to address poverty and inequality affecting those from marginalized racial and ethnic groups, ensuring that structural issues driving such poverty are recognized and effectively addressed.

(cc) Strengthen initiatives to address racial discrimination within the labour market.

(dd) Continue and expand measures to build wealth among those from racially marginalized groups and close the racial wealth gap.

Housing and homelessness

(ee) Improve service provision to unhoused persons, including services targeted to the needs of women and lesbian, gay, bisexual, transgender and intersex persons from marginalized racial and ethnic groups.

(ff) End the criminalization of homelessness, including repealing any legislation that contributes to this phenomenon.

(gg) Address the root causes of the high number of unhoused people of African descent and from other racially marginalized communities, including poverty, mental health issues, substance misuse and lack of affordable housing.

(hh) Step up efforts to address racial discrimination within the housing market, including addressing the legacies of the racially discriminatory practice of redlining.

Addressing environmental racism

(ii) Ensure that Executive Order 14008 is implemented in a manner that explicitly addresses the disparate impact of the climate and environmental crises on marginalized racial and ethnic groups.

(jj) Take steps to ensure that regulations governing the petrochemical and fossil fuel industries are implemented everywhere, including through the denial of

business permits in areas already overburdened with pollution and contamination and by ordering the temporary or permanent cessation of business activities where there are severe threats to human health and/or the environment.

(kk) Urgently issue a moratorium on the development of new petrochemical and fossil fuel plants and the expansion of current sites in the “Cancer Alley” region.

(ll) Consider aborting the “Cop City” project in Atlanta, Georgia, due to the environmental impacts on racially marginalized groups in the South River area.

(mm) Urgently clean up toxic waste and environmental contamination, particularly in areas where it is disproportionately impacting marginalized racial and ethnic groups, including in the overseas territories.

(nn) Strengthen the protection of land with historical significance to marginalized racial and ethnic groups to safeguard its historical and cultural value and prevent it from being used in ways that cause further harm.

(oo) Ensure that the mandate of the Federal Emergency Management Agency is implemented in a way that is effective and racially equitable in cases of natural disasters.

Ensuring equal access to adequate food

(pp) Take urgent action to address racially discriminatory food systems and their impact, including racial inequities in food insecurity.

(qq) Implement effectively the National Strategy on Hunger, Nutrition and Health and ensure that a rights-based approach is taken to ending hunger.

(rr) Redouble efforts to ensure the promotion and protection of the rights of Indigenous Peoples, with respect to land, territory and natural resources.

(ss) Address the lack of food sovereignty in the overseas territories through processes of decolonization and the development of sovereign self-governance, including over food systems.

Ensuring access to health care and equitable health outcomes

(tt) Step up the implementation of the White House Blueprint for Addressing the Maternal Health Crisis and Executive Orders 14076 and 14079.

(uu) Expand efforts to ensure that everyone from marginalized racial and ethnic groups has adequate health insurance coverage.

(vv) Ensure that all medical practitioners and staff in medical settings are trained in racial equality, implicit bias and non-discrimination standards.

(ww) Invest in expanding the geographical coverage of health-care facilities to serve marginalized racial and ethnic groups, particularly in rural areas.

(xx) Continue and expand efforts to address racially inequitable health outcomes.

Gun violence

(yy) Step up implementation of the Bipartisan Safer Communities Act, of 2022.

(zz) Ensure that the White House Office of Gun Violence Prevention has an explicit mandate to address the racially disproportionate impact of gun violence and takes a holistic and trauma-informed approach that addresses root causes.

(aaa) Take urgent and bold action to significantly strengthen regulation of the sale and ownership of firearms.

Addressing racial discrimination in law enforcement and the criminal justice system

(bbb) Ensure the full implementation of the recommendations of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement³³ and of the United Nations High Commissioner for Human Rights' agenda towards transformative change for racial justice and equality.³⁴

(ccc) Enact into law the End Racial and Religious Profiling Act, the George Floyd Justice in Policing Act, the First Step Act and Executive Order 14074.

(ddd) Consider ways that significant public funds invested in the criminal justice system can be redirected into community services and infrastructure.

(eee) Address public misconceptions about the efficacy of overpolicing and excessive incarceration among racially marginalized groups in tackling public safety concerns.

(fff) End the surveillance and overpolicing of racially marginalized groups.

(ggg) Further develop consistent standards at the federal and state levels outlining the use of force by law enforcement officials, which adhere to the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination.

(hhh) Ensure that the legislative frameworks at the federal and state levels comprehensively prohibit all forms of racial profiling.

(iii) Improve internal oversight, transparency and accountability within all law enforcement entities, including the full investigation of any incidents of racial profiling and of excessive and/or lethal use of force.

(jjj) Where appropriate, ensure that incidents of excessive and/or lethal use of force by law enforcement officials, against those from marginalized racial and ethnic groups, are referred for criminal investigation and prosecution.

(kkk) Repeal any legislative provisions that provide qualified immunity to law enforcement officials.

(lll) Improve access to good-quality legal counsel for all, including through increased investment in legal aid.

(mmm) Prohibit and abolish sentences of life without the possibility of parole and other death by incarceration sentences for juveniles, irrespective of the crime. Ensure that the incarceration of all those sentenced to life without parole and other death by incarceration sentences as juveniles, including those from marginalized racial and ethnic groups, is reviewed.

(nnn) Repeal legislative provisions that mandate death by incarceration sentences.

(ooo) Consider establishing a national moratorium on the imposition of sentences of life imprisonment without parole and other death by incarceration sentences, including those that exceed natural life expectancy. Urgently review the incarceration of those who have received such sentences.

(ppp) Ensure that parole is available and accessible to all prisoners, including those sentenced to life imprisonment. Ensure that racial bias within parole boards is prevented and addressed, including through effective training.

(qqq) Increase the use of clemency powers to help to urgently address the racially disparate impact of mass incarceration.

(rrr) Urgently review the incarceration of all those convicted by non-unanimous juries.

³³ See the conference room paper of the Expert Mechanism.

³⁴ See [A/HRC/47/53](#), annex.

(sss) **End the use of solitary confinement.**

(ttt) **Eliminate unpaid or very-low-pay prison labour. Review all prison labour programmes to ensure that they contribute to the rehabilitation of prisoners and pay the minimum wage.**

(uuu) **Invest in improving conditions of detention, including by addressing overcrowding and ensuring access to adequate medical care for all prisoners, including those from racially marginalized groups and/or with death by incarceration sentences.**

Migration governance

(vvv) **Uphold the principle of non-refoulement, including through the cessation of maritime interventions, pushbacks and deportation without individualized assessment and judicial review and by decreasing the militarization and externalization of United States borders.**

(www) **End mandatory immigration detention and ensure due process for all detained non-citizens, without any form of discrimination.**

(xxx) **End the racially discriminatory “prison to deportation” pipeline.**

(yyy) **Recognize that many push factors for migrants seeking to enter the United States, such as climate change and conflict and insecurity, are rooted in colonialism and slavery, and consider reparative citizenship as part of a broader reparatory justice approach.**

Digital technologies and racial discrimination

(zzz) **Implement Executive Order 14110 in a manner that explicitly recognizes the potential for artificial intelligence to reinforce racial discrimination and racial bias.**

(aaaa) **Ensure racially equitable access to digital technologies.**

(bbbb) **Ensure the efficacy and full language accessibility of technologies used in the administration of public services, including the Customs and Border Protection One app.**

Protection from caste-based discrimination

(cccc) **Ensure that caste is a protected ground in federal and state anti-discrimination legislation.**

(dddd) **Establish accessible and effective complaint mechanisms for caste-based discrimination and ensure that all victims can access legal remedy.**

Tackling hate speech and hate crime and bias against specific racial groups

(eeee) **Ensure the effective implementation of the COVID-19 Hate Crimes Act and the Emmett Till Antilynching Act.**

(ffff) **Improve systems for the collection of disaggregated data about hate speech and hate crime, including by making it mandatory for law enforcement agencies to provide hate crime data to the Federal Bureau of Investigation.**

(gggg) **Build awareness and societal support for plurality and tolerance.**

(hhhh) **Take a multi-stakeholder approach to preventing and addressing online and offline racist hate speech, grounded upon relevant international human rights law.**

Hatred against people of African descent

(iiii) **Take more specifically targeted measures to prevent and address hatred against people of African descent.**

Anti-Asian racism

(jjjj) **Step up efforts to implement the COVID-19 Hate Crimes Act and the Presidential Memorandum Condemning and Combating Racism, Xenophobia and Intolerance Against Asian Americans and Pacific Islanders in the United States, and other relevant laws and standards, including at the state level.**

(kkkk) **Consider repealing all alien land law provisions in force at the state level, given the racially discriminatory effects on Asian populations.**

Antisemitism

(llll) **Urgently develop responses to recent rises in antisemitism, in full consultation with the communities affected, including the investigation, and where appropriate, the prosecution, of criminal acts.**

(mmmm) **Step up efforts to implement effectively the National Strategy to Counter Antisemitism.**

(nnnn) **Build the capacity of educational institutions, including colleges, to recognize and address antisemitism to ensure that they are safe spaces for all students.**

Islamophobia

(oooo) **Urgently develop responses to recent rises in Islamophobia, in full consultation with the communities affected, including the investigation, and where appropriate, the prosecution, of criminal acts.**

(pppp) **Refrain from restrictions deemed impermissible by international human rights law on the freedoms of expression or assembly of Arabs and those of the Islamic faith.**

(qqqq) **Expedite the development and implementation of a national strategy on Islamophobia.**

(rrrr) **Build the capacity of educational institutions, including colleges, to recognize and address Islamophobia to ensure that they are safe spaces for all students.**
