



TO: Interested Parties  
FROM: Leadership Conference on Civil Rights  
DATE: March 6, 2008  
RE: U.S. Lack of Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination

Tomorrow the U.N. Committee on the Elimination of Racial Discrimination (CERD) will release the conclusions of its review of the United States' compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

CERD, which the U.S. ratified in 1994, requires countries to take positive steps to eliminate racial discrimination. It explicitly requires signatories to address discrimination in policies that have a disproportionately unfair impact on individuals and groups based on race or ethnicity. Nations party to CERD must report every few years to the United Nations' CERD committee on their progress in removing practices that foster inequality.

The U.S. submitted its compliance report and testified before the U.N. committee on February 21-22, 2008. There is no national body within the U.S. that monitors compliance with the CERD treaty and the U.S. delegation spent much of its time defending the Bush administration's record on race and denying that discrimination is responsible for stark and continuing racial disparities in the United States.

The 25-member delegation – including the Justice Department, which has been criticized for failing to adequately enforce U.S. civil rights laws – maintained that the federal government is taking sufficient steps to end discrimination. The delegation argued that with the end of *de jure* segregation in the U.S., the federal government has little responsibility for taking a more active role in eliminating other forms of discrimination.

This stunning interpretation effectively allows the Bush administration to exempt itself from complying with crucial provisions of the CERD treaty at a time when U.S. prestige abroad is already at an all-time low. The government's cavalier attitude toward compliance with this critical international treaty can only be expected to further undermine U.S. standing around the world.

The committee has already expressed concern about the U.S. position on racial discrimination, citing school segregation, evidence of police brutality, a reluctance to implement affirmative action programs, housing discrimination, and the race-related effects of Hurricane Katrina. In the case of Katrina, the U.N. went as far as calling on the U.S. to halt demolitions of public housing, which would keep thousands of black residents from returning to their homes.

But when questioned during their February testimony before the U.N. about these issues, the U.S. delegation downplayed race as an issue and, in a blame-the-victim ploy, focused on the effects of poverty and what it described in its report as “differential involvement in crime.”

This position was sharply contrasted by reports from more than 250 U.S. civil and human rights groups, coordinated by the U.S. Human Rights Network, which documented the U.S.’s substantive failure to live up to its responsibilities under the CERD treaty.

The Leadership Conference on Civil Rights (LCCR), a coalition of nearly 200 civil and human rights organizations, detailed many of the concerns raised by the U.N. committee in its “shadow” report, *American Dream? American Reality!* It was produced by LCCR’s Public Policy Department, directed by Nancy Zirkin, as part of the Civil Rights Enforcement project.

The report, authored by Katie McCown and Antoine Morris, also offered recommendations for the U.S. government that would help it to better comply with the CERD treaty, including the following:

- Enact legislation outlawing racial and ethnic profiling
- Commit to assisting schools and school districts in developing plans to achieve and maintain racial integration and diversity in public schools
- Eliminate predatory lending practices directed at low-income, minority, and older borrowers
- Restore the ability to recompense victims of pay discrimination based on race, age, gender, or disability
- Vigorously enforce voting rights for racial and ethnic minorities

The full LCCR report, *American Dream? American Reality!*, is available online: <http://www.civilrights.org/cerd-report.pdf>. For more information contact Mistique Cano at 202-263-2882.

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*The Leadership Conference on Civil Rights is the nation's oldest, largest, and most diverse civil and human rights coalition. Its sister organization, the Leadership Conference on Civil Rights Education Fund, is the research and education arm of the coalition. For more information on LCCR and LCCR/EF, visit [civilrights.org](http://civilrights.org).*

Mistique Cano, Vice President of Communications  
Leadership Conference on Civil Rights  
[www.civilrights.org](http://www.civilrights.org)  
1629 K Street, 10<sup>th</sup> Floor  
Washington, DC, 20006  
p. 202.263.2882  
c. 202.904.7222