

Southern Poverty Law Center



Response to the Office of the United Nations High Commissioner for  
Human Rights' Call for Input on Human Rights Council Resolution 47/21

Report on Measures to Confront the Legacies of Enslavement, the Transatlantic Slave Trade,  
Colonialism, and Successive Racially Discriminatory Policies and Systems

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**The Southern Poverty Law Center** was founded in 1971 with the goal of making the promise of the U.S. Civil Rights Movement a reality for everyone. Through litigation, policy advocacy, education, and community organizing, SPLC works to combat racial inequity across the Deep South and beyond, with a focus on eliminating poverty, protecting voting rights, fighting hate and extremism, and ending unjust punishment.

*The greatest evil of American slavery wasn't involuntary servitude or forced labor. It wasn't the bondage. The real evil of slavery was the narrative of racial differences we created to legitimize it. – Bryan Stevenson<sup>1</sup>*

## **Introduction**

The United States of America, a nation born from the declaration that “all men are created equal... endowed by their Creator with certain inalienable rights,” began as a slave society. Chattel slavery—a brutal system that treated people as property to be bought, sold, and owned—wasn't just an aspect of the nation's economy; it was central to its growth. For over 200 years, millions of enslaved people of African descent labored under torturous conditions, their bodies brutalized, their families broken, all to fuel the prosperity of a nation that denied them the very rights it claimed to be universal.

While this oppressive system was formally abolished in 1865, its legacies—deeply embedded in the fabric of American society—continue to endure. As attorney and criminal justice advocate Bryan Stevenson suggests in the above quote, this is partly because the narrative of racial difference that justified slavery—white supremacy—has not been dismantled; it has merely evolved. At moments of racial progress, white supremacy rears its ugly head. After the Civil War, during Reconstruction—a period when Black Americans began to gain political and social power—it took the form of racialized terrorism, both through vigilante violence and legally sanctioned oppression, such as Jim Crow laws. After the gains of the Civil Rights Movement, white supremacy reemerged through mass incarceration, where laws and policies disproportionately targeted Black communities, leading to staggering rates of imprisonment and disenfranchisement. White supremacy, like an ever-evolving virus, morphs to survive, always finding new ways to hold onto power, even as society moves forward.

This response examines a new manifestation of white supremacy: the ongoing attacks on diversity, equity, inclusion, and accessibility (DEIA) in the United States, and the way laws designed to break down racial barriers are now being repurposed to build new ones. In this context, we address the following key topic areas, as requested

- Measures taken by States to dismantle structures and systems designed and shaped by enslavement, the trade in enslaved Africans, colonialism and successive racially discriminatory policies and systems; and,

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<sup>1</sup> Ezra Klein, “Bryan Stevenson On How America Can Heal,” *Vox*, July 20, 2020, <https://www.vox.com/21327742/bryan-stevenson-the-ezra-klein-show-america-slavery-healing-racism-george-floyd-protests>

- Gains made and challenges faced in the design and implementation of measures and initiatives undertaken by States and other stakeholders to confront legacies of enslavement, the trade in enslaved Africans, colonialism and successive racially discriminatory policies and systems.

## **Current Systemic Racial Discrimination and Inequity in the U.S. Are Rooted in Chattel Slavery**

Throughout its history, the U.S. has employed a nearly uninterrupted series of systems to subjugate and oppress people of African descent, including chattel slavery and continuing to the Black Codes, Jim Crow laws and legal segregation. After the abolition of the Black Codes and Jim Crow laws, U.S. governments continued to find new ways to control and criminalize Black and Brown people, giving rise to new forms of discrimination in housing and employment, voter suppression, and mass incarceration.

During the nearly quarter millennium of chattel slavery in the southern United States, people of African descent were held as property, forced to labor on white-owned plantations, and beaten, tortured, and killed for the slightest perceived transgressions – or, at times, for no reason at all.

Following the abolition of slavery in 1865, many U.S. states passed laws known as the Black Codes to perpetuate control over Black people’s lives, criminalizing their ordinary conduct, such as owning property and conducting business, enforcing restrictions on voting, and dictating where and how they could live, work, and move in public spaces.<sup>2</sup> Although these laws were repealed during the period known as Reconstruction, this lasted only a decade before such laws began to be reinstated. By 1874, the Black Codes were being replaced by Jim Crow laws, which would remain in force until the passage of major civil rights legislation in the 1960s.<sup>3</sup>

Black people in the U.S. currently face disproportionately higher rates of incarceration, persistent racial discrimination, and systemic disenfranchisement across various facets of life, including education, employment, housing, healthcare, and suffrage – the enduring legacies of slavery. The U.S. continues to utilize the criminal legal system, mass criminalization and incarceration<sup>4</sup> of Black men, boys, women and girls, and the suppression of voting rights and political representation to effectuate the racial control previously implemented through enslavement. We recently detailed many of these

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<sup>2</sup> See, Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, New York: Doubleday, 2008

<sup>3</sup> *Id.*

<sup>4</sup> *E.g.*, *The Biggest White Lie in the White Supremacist Propaganda Playbook*, Southern Poverty Law Center, 14 June 2018.

impacts in our Response to the High Commissioner’s Call for Input for Report pursuant to Human Rights Council resolution 47/21,<sup>5</sup> and our Response to the Call for written submission on Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent by the Working Group of Experts on People of African Descent,<sup>6</sup> which are attached to this submission as Appendices A and B. In the U.S. today, equal rights and opportunities for people of African descent are now under assault in many ways that have escalated even since our report in April 2024.

## **Legal Measures and Initiatives for Redressing Racial Discrimination**

In response to the enduring legacy of slavery and racial discrimination, the United States has passed a series of anti-discrimination laws aimed at addressing systemic inequities and offering legal recourse for those affected by discrimination. These laws have been instrumental in challenging racial disparities across various sectors, including employment, housing, education, and criminal justice. Some of the most notable legal measures include:

### I. Laws

#### *Equal Protection Clause, 14<sup>th</sup> Amendment, 1868*

The Equal Protection Clause of the 14th Amendment guarantees that no state shall deny any person within its jurisdiction "the equal protection of the laws." This clause has been foundational in ensuring that all individuals, regardless of race, receive equal treatment under the law. It has been central in challenging discriminatory practices and upholding civil rights laws across various sectors, from education to employment.<sup>7</sup>

#### *Civil Rights Act of 1866, Section 1981*

Section 1981 ensures that all persons within the jurisdiction of the United States have the same right to make and enforce contracts as enjoyed by white citizens. Originally aimed at providing Black Americans with the legal ability to fully participate in the economy post-Civil War, it prohibits discrimination in contracts—whether in employment, business transactions, or other agreements—based on race. It has been instrumental in challenging discrimination in employment, business contracts, and other areas of economic life.<sup>8</sup>

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<sup>5</sup> Southern Poverty Law Center, *Response to Call for Input for Report to Human Rights Council resolution 47/21*, submitted to the Office of the High Commissioner for Human Rights, 16 April 2024.

<sup>6</sup> Southern Poverty Law Center, *Response to the Call for written submission on Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent*, submitted to the Working Group of Experts on People of African Descent, 7 October 2024.

<sup>7</sup> U.S. CONST. Amend. XIV, § (1868)

<sup>8</sup> Civil Rights Act of 1866, Pub. L. 42-17, § 1, 14 Stat. 27 (1866), codified at 42 U.S.C. § 1981.

### *Civil Rights Act of 1964, Title VI*

Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. This provision was instrumental in compelling federally supported institutions, from public schools to hospitals, to ensure that federal resources were not used to perpetuate segregation or unequal treatment.<sup>9</sup>

### *Civil Rights Act of 1964 Title VII*

Title VII expanded the protections of Title VI to address discrimination in employment and other areas related to the workplace, prohibiting discrimination based on race, color, religion, sex, or national origin. It covers all aspects of the employer-employee relationship, including hiring, firing, promotions, compensation, and other terms of employment. Furthermore, Title VII introduced the concept of disparate impact, allowing individuals to challenge workplace practices that, although seemingly neutral, disproportionately affect certain racial or ethnic groups, even if there was no intent to discriminate. Title VII also established the Equal Employment Opportunity Commission (EEOC), a federal agency that enforces laws against employment discrimination.<sup>10</sup>

### *Voting Rights Act of 1965 (VRA)*

The Voting Rights Act is a landmark piece of legislation that outlaws racially discriminatory voting practices.<sup>11</sup> The VRA ended practices such as literacy tests and poll taxes that had been used to prevent Black people from exercising their right to vote and also required jurisdictions with a history of such practices to obtain preclearance from the federal government before enacting any changes in voting practices.

### *Fair Housing Act of 1968 (FHA)*

The Fair Housing Act prohibits discrimination in the sale, rental, or financing of housing based on race, color, religion, sex, familial status, national origin, or disability. The Act was designed to dismantle discriminatory practices that had long excluded racial minorities, particularly Black Americans, from accessing housing opportunities in certain neighborhoods. It has been a critical tool in efforts to address residential segregation, ensuring that individuals are not denied housing opportunities based on their race or ethnicity. The law also incorporates provisions for disparate impact—

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<sup>9</sup> Civil Rights Act of 1964, Pub. L. 88-352, § 601, 78 Stat. 241 (1964), codified at 42 U.S.C. § 2000d.

<sup>10</sup> Civil Rights Act of 1964, Pub. L. 88-352, § 701, 78 Stat. 253 (1964), codified at 42 U.S.C. § 2000e.

<sup>11</sup> Voting Rights Act of 1965, Pub. L. 89-110, 79 Stat. 437 (1965), codified at 52 U.S.C. § 10101 et seq.

allowing challenges to policies that disproportionately affect protected groups, even if they are not overtly discriminatory.<sup>12</sup>

The laws discussed above, while not an exhaustive list of all the anti-discrimination protections passed by Congress, sought to proactively address the structures of anti-Black racism that had long been embedded in American society. Notably, in advancing justice for Black Americans, these laws also helped to extend protections to other groups that had been systematically excluded from opportunity.

Unfortunately, the protections afforded by these laws are under attack. As we previously detailed in our September 2023 joint submission to the UN Human Rights Committee,<sup>13</sup> the protections of the VRA have been substantially eroded over the last decade. The current administration is conducting a destructive campaign of weakening and even dismantling the federal agencies that are charged with the enforcement of civil rights laws, installing right-wing activists with extreme anti-civil rights views at their helms.<sup>14</sup>

## II. Executive Action

In addition to laws, U.S. presidents have used Executive Orders (EOs) as a tool in addressing racial discrimination and promoting equal opportunity within and by the U.S. federal government. Executive Order 11246 (1965), signed by President Lyndon B. Johnson, empowered the Department of Labor to enforce nondiscrimination policies and ensure that federal contractors provided equal employment opportunities regardless of race, color, religion, sex, or national origin.<sup>15</sup> Building on this, Executive Order 12898 (1994), signed by President Bill Clinton, focused on environmental justice, directing federal agencies to assess and address the disproportionate impact of policies on low-income and minority communities.<sup>16</sup> Executive Order 13583 (2011), signed by President Barack Obama, further advanced diversity, equity, inclusion, and accessibility (DEIA) in

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<sup>12</sup> Fair Housing Act of 1968, Pub. L. 90-284, 82 Stat. 81, codified at 42 U.S.C. § 3601 et seq.

<sup>13</sup> Joint Submission by the Southern Poverty Law Center, Alabama Forward and Florida Rising Together, The United States of America's Compliance with the International Covenant on Civil and Political Rights, submitted for the 139<sup>th</sup> Session of the Human Rights Committee, 12 September 2023, <https://www.splcactionfund.org/wp-content/uploads/sites/2/files/splc-voting-rights-report-iccpr.pdf>.

<sup>14</sup> Cassie Miller, *Bigoted beliefs, racist ties found among some of President Trump's appointees*, Southern Poverty Law Center, March 6, 2025, <https://www.splcenter.org/resources/hate-watch/bigoted-beliefs-racist-ties-found-among-president-trumps-appointees/>; *Nominations Resources*, Southern Poverty Law Center, <https://www.splcenter.org/nominations-resources/>.

<sup>15</sup> Executive Order 11246, 30 Fed. Reg. 12319 (Sept. 24, 1965).

<sup>16</sup> Executive Order 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994)

the federal workforce by requiring agencies to develop strategies to ensure equal opportunities for all employees.<sup>17</sup>

Most recently, Executive Order 13985 (2021), signed by President Joe Biden, marked a significant step in advancing racial equity across federal policies.<sup>18</sup> It directed federal agencies to promote racial equity and support historically underserved communities, embedding these priorities into government decision-making and ensuring greater access to resources and opportunities for all.

Unfortunately, as discussed below, executive actions by the current administration have revoked earlier EOs that significantly advanced racial equity and sought to redress the impacts of many years of discrimination.

### III. Other Initiatives

Private and public institutions began to take proactive steps to address systemic discrimination, often through "race-conscious" policies or the implementation of diversity, equity, and inclusion programs. In higher education, "affirmative action" has long been used to ensure that students from historically marginalized communities, particularly students of color, are fairly considered during the admissions process.<sup>19</sup> These policies aimed to account for the systemic barriers faced by these groups, and race was considered one of several factors in the decision-making process, alongside academic achievements and other criteria. In addition, many major corporations adopted similar practices in their hiring and promotion policies, striving to create more diverse and inclusive workplaces by actively seeking out candidates from underrepresented groups, recognizing that diversity brought both social and business benefits.<sup>20</sup> As with the nation's civil rights laws, the progress made by these initiatives are now under threat by the purveyors of ideologies of hate and extremism.

#### *Exploiting DEIA as a Smokescreen to Erode Civil Rights Protections*

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<sup>17</sup> Executive Order 13583, 76 Fed. Reg. 52503 (Aug. 18, 2011)

<sup>18</sup> Executive Order 13985, 86 Fed. Reg. 7009 (Jan. 20, 2021)

<sup>19</sup> Economic Policy Institute, "The Supreme Court's ban on Affirmative Action Means Colleges Will Struggle to Meet Goals of Diversity and Equal Opportunity," June 29, 2023, <https://www.epi.org/blog/the-supreme-courts-ban-on-affirmative-action-means-colleges-will-struggle-to-meet-goals-of-diversity-and-equal-opportunity/>

<sup>20</sup> John Yang, et al, "The History of Diversity, Equity and Inclusion Efforts in America," PBS, February 8, 2025, <https://www.pbs.org/newshour/show/the-history-of-diversity-equity-and-inclusion-efforts-in-america>

As we explained in our March 2024 statement to the U.S. House of Representatives Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Development, the need for DEIA programs is amply supported by the history of “systematic racial discrimination that was ingrained in the policies of private and public institutions across every aspect of life, from legal and policy barriers to voting and homeownership to accessing high- quality education and equal employment opportunities.”<sup>21</sup> DEIA policies and practices have been implemented and enforced for decades in higher education, employment, business enterprises, and other sectors as part of anti-discrimination efforts designed to expand opportunities, address and remedy both historic and persistent inequities, and prevent future discrimination. Over time, those policies evolved to include policies, programs, and services designed to increase diversity, equity, inclusion, and accessibility to help overcome patterns of discrimination and eliminate disparities in opportunities. Unfortunately, just as the hard-right forces of white supremacy once maliciously redefined and weaponized the term “critical race theory” – leading to a wave of book bans and anti-student inclusion laws – it has now done so with the concept of DEI. The defunding, rolling back, and demonization of DEIA programs and initiatives are part and parcel of the broader campaign to erase the existence of historic and current discrimination and oppression, with the aim of eliminating legal protections, policies and programs designed to address them. Right-wing forces, driven by a desire to reverse civil rights gains, are working to dismantle protections against racial discrimination, presenting them as obstacles to their vision of society. Their attacks on DEI are, in reality, a cover for systematically eroding racial progress and preserving elite White power at a time when racial minorities are on track to become the majority. These efforts have escalated in recent years and reached new heights after Donald J. Trump took office on January 20, 2025.

The current frontal assault on DEI is rooted in the recent rollback of longstanding affirmative action practices in higher education. In 2023, in *Fair Admissions, Inc. v. President & Fellows of Harvard College* and *SFFA v. University of North Carolina*,<sup>22</sup> the Court ruled that the admissions programs at Harvard and the University of North Carolina, two elite institutions with historically white majorities, violated the Fourteenth Amendment's Equal Protection Clause, which prohibits racial discrimination by government entities. The conservative-aligned majority of the Court found that using race as a factor in admissions discriminated against individuals not from historically marginalized racial groups. However, as Justice Sonia Sotomayor pointed out in her

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<sup>21</sup> [Written Statement by the Southern Poverty Law Center](#), submitted to the US House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Development for its hearing entitled “Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses,” March 7, 2024, at 1.

<sup>22</sup> 600 U.S. 181 (2023).

dissent, the Court's own jurisprudence have long recognized that achieving racial equality under the Fourteenth Amendment can, and should, involve race-conscious measures in a society that is not, and has never been, colorblind - mirroring the ICERD's recognition of the need for special measures. This decision reflects a broader trend in which the Supreme Court has embraced so-called "colorblindness" to favor white individuals claiming "reverse discrimination,"<sup>23</sup> effectively undoing years of progress in diversifying higher education and other vital sectors. The concept of reverse racism, which claims that white people are victims of discrimination due to their race, is not only unfounded but also ignores the reality that white people are not oppressed in the U.S.

Following the Supreme Court's decision banning race conscious admissions practices, conservative politicians rushed to introduce bills banning not just those practices but the full scope of DEI policies and programs.<sup>24, 25</sup> Much of the legislation is designed to eliminate DEIA programs and offices at public colleges and universities.<sup>26</sup> College and university DEIA offices do not make admissions decisions. Instead, they carry out activities that are designed attract diverse students and faculty and to ensure that they enjoy a welcoming, affirming atmosphere, are not subjected to discrimination, and that students receive needed support for their educational experience.<sup>27</sup> For Black and Brown students who are significantly in the minority, the programs and services offered by DEIA offices can contribute substantially to their ability to succeed and thrive. Efforts to dismantle such programs instead reinforce their experience of being unwelcome and excluded and transform those striving to achieve equal access to opportunities in our society into scapegoats for societal tensions.

In March 2024, Alabama – where the SPLC is headquartered – became one of at least 10 states that have signed anti-DEI bills into law. The bill, which follows the nationwide trend, bans public institutions, such as public colleges and other state-run institutions, from maintaining DEI offices and programs. Supporters of the Alabama law and similar legislation across the nation have attacked DEI programs as "divisive,"<sup>28</sup> a word that has also been torturously misused by state legislatures and executives in anti-inclusion

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<sup>23</sup> Nikole Hannah-Jones, *The 'Colorblindness' Trap: How a civil rights ideal got hijacked*, New York Times, March 13, 2024, <https://www.nytimes.com/2024/03/13/magazine/civil-rights-affirmative-action-colorblind.html>

<sup>24</sup> American Pride Rises, *The State of DEI Legislation*, <https://aprnetwork.org/legislative-tracker/>.

<sup>25</sup> *DEI Legislation Tracker*, The Chronicle of Higher Education, March 29, 2024.

<sup>26</sup> Anna Betts, *What to Know About State Laws That Limit or Ban D.E.I. Efforts at Colleges*, New York Times, Updated May 23, 2024.

<sup>27</sup> See, e.g., University of Alabama Office of Diversity, Equity and Inclusion, *About UA DEI*.

<sup>28</sup> Maya Henson Carey, *Alabama's DEI Ban Underscores Need For Anti-Bias Programs, Understanding*, Southern Poverty Law Center, April 12, 2024.

measures that prohibit the teaching of complete and accurate<sup>29</sup> Alabama state Sen. Will Barfoot, the bill’s sponsor, described his legislation as an attempt to “build bridges to celebrate what people have in common, not erect walls that silo people into the idea that their race, religion and sexual orientation solely define who they are and how society should view them.”<sup>30</sup> In truth, these bills are not meant to build bridges, but to ensure that the structural injustices that have long ensured the white stranglehold on power remain in place.

Not satisfied to eradicate affirmative action and DEIA programs from higher education and the government, far-right groups also promptly launched coordinated assaults against the DEI efforts of corporations and other private employers. Some of the extremist forces behind these assaults are well known to the SPLC. America First Legal, headed by SPLC-identified extremist Stephen Miller<sup>31</sup> – now the White House Chief of Staff, who was behind the first Trump administration’s racist and dangerous anti-immigrant policies – filed more than a dozen lawsuits and sent at least 30 letters to the U.S. Equal Employment Opportunity Commission challenging the legality of corporate DEIA programs.<sup>32</sup> Their targets included, for example, diversity efforts at law firms,<sup>33</sup> many of which discontinued such initiatives as diversity internship programs. State attorneys general also jumped on the bandwagon, threatening to sue firms that failed to dismantle their DEI efforts.<sup>34</sup> A majority of U.S. workers say that focusing on DEI in the workplace is a good thing,<sup>35</sup> but the far-right is committed to stopping employers from doing so.

Even the private efforts of communities of color to implement their own special measures to increase opportunities are under attack. In June 2024, a U.S. Court of Appeals entered an order<sup>36</sup> blocking the Fearless Fund, a venture capital firm dedicated to funding businesses founded by women of color, from issuing entrepreneurship grants limited to Black women business owners, finding that this practice likely discriminates against business owners of other races.<sup>37</sup>

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<sup>29</sup> Curtis Bunn, *Alabama bans DEI programs in public colleges and the teaching of ‘divisive concepts,’* NBC News (Mar. 20, 2024), <https://www.nbcnews.com/news/nbcblk/alabama-passes-dei-ban-rcna144300>.

<sup>30</sup> *Alabama’s DEI ban, supra.*

<sup>31</sup> Southern Poverty Law Center Extremist Files, [Stephen Miller](#).

<sup>32</sup> Rhiddi Setty and Tatyana Monnay, *Conservative Duo Fights Against DEI One Bias Claim at a Time*, Bloomberg Law, June 5, 2024.

<sup>33</sup> Julian Mark and Taylor Tedford, *Conservatives are suing law firms over diversity efforts. It’s working.*, Washington Post, December 9, 2023.

<sup>34</sup> *Id.*

<sup>35</sup> Pew Research Center, *Diversity, Equity and Inclusion in the Workplace*, May 17, 2023.

<sup>36</sup> *American Alliance for Equal Rights v. Fearless Fund Management, LLC, et al.*, No. 23-13138, United States Court of Appeals for the Eleventh Circuit (June 3, 2024).

<sup>37</sup> *Appeals court blocks Fearless Fund from awarding grants to Black women*, Washington Post, June 3, 2024.

At the federal level, President Trump has issued two executive orders—Ending Radical and Wasteful Government DEI Programs and Preferences and Ending Illegal Discrimination and Restoring Merit-Based Opportunity—that are particularly significant for efforts to address the impacts of systemic discrimination.<sup>38</sup> The first mandates that all diversity, equity, and inclusion, and accessibility (DEIA) offices, positions, programs, and activities across the federal government be shut down by March 21, 2025. The second goes even further: it declares—falsely—that diversity initiatives are illegal and rescinds previous executive orders that helped ensure equal opportunity—including all of those mentioned in the “Executive Action” section above.

The second EO also aims to intimidate the private sector into abandoning DEI initiatives, explicitly directing federal agencies to identify “illegal private-sector DEI” and conduct investigations including “publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, [and] State and local bar and medical associations.”<sup>39</sup> Attorney General, Pam Bondi issued a memorandum<sup>40</sup> on February 5, 2025 indicating the DOJ’s intention to effectuate the EOs and conduct investigations to report on “the most egregious and discriminatory DEI and DEIA practitioners in each sector of concern.”<sup>41</sup> This confirmed widespread fears that the DOJ would be politically weaponized to comply with the short-sided and ill-informed whims of the current administration. These strong-arm tactics are having a big impact. Many U.S. companies are voluntarily rolling back DEI programs.<sup>42</sup>

Following the issuance of these EO’s, the White House Office of Budget and Management released a memo invoking a nation-wide DEI-related funding freeze<sup>43</sup> aimed at dismantling DEI programs and so-called “woke gender ideology.” Many universities that

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<sup>38</sup> Exec. Order No. 14,151, 90 F.R. 8339 (2025),

<https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>.

<sup>39</sup> Ryan Quinn, *As the DEI Crackdown Escalates, Faculty Choose Between Silence and Resistance*, Inside Higher Ed (Feb. 6, 2025), <https://www.insidehighered.com/news/faculty-issues/diversity-equity/2025/02/06/trump-attacks-dei-faculty-pick-between-silence>.

<sup>40</sup> Pam Bondi, *Memorandum for All Department Employees*, Office of the Attorney General (Feb. 5, 2025), (complying with Executive Order 14173 Ending Illegal DEI Discrimination and Preferences). <https://www.justice.gov/ag/media/1388501/dl?inline> (complying with Executive Order 14173 Ending Illegal DEI Discrimination and Preferences).

<sup>41</sup> *Id.*

<sup>42</sup> Conor Murray and Molly Bohannon, *Here Are All The Companies Rolling Back DEI Programs*, March 5, 2025, <https://www.forbes.com/sites/conormurray/2025/03/05/victorias-secret-tweaks-dei-language-to-inclusion-and-belonging-here-are-all-the-companies-rolling-back-dei-programs/>.

<sup>43</sup> Matthew J. Vaeth, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs*, Office of Management and Budget, Executive Office of the President (Jan. 27, 2025), <https://documents.ncsl.org/wwwncsl/State-Federal/m-25-13-temporary-pause-to-review-agency-grant-loan-and-other-financial-assistance-programs.pdf>.

had not already been forced to abandon DEI\_programs by state-level legislation, scrambling to find a solution, felt forced to comply when they were stripped of grant and research funds.<sup>44</sup>

Multiple lawsuits have been filed to challenge these harmful executive orders. On February 21, 2025, a federal judge temporarily blocked the administration from enforcing key provisions. The ruling halted efforts to pause, freeze, block, or terminate grants to cities and organizations with DEIA policies; barred the government from requiring grantees to certify that they do not promote DEIA; and stopped enforcement actions against grantees. The judge found that these provisions violated both the First and Fifth Amendments.

Since taking office, President Trump has blamed "DEI" for everything from wildfires in Los Angeles to a plane crash in Washington, D.C., without any evidence to support these claims.<sup>45</sup> He insists he is advocating for a meritocracy, but the suggestion that diversity, equity, and inclusion are incompatible with merit is revealing in itself. "DEI" has increasingly become a racial slur, implying that if a qualified Black person holds a position, it must be due to lowered standards—that Black people are inherently less qualified than others. This tactic mirrors the way right-wing forces have redefined and weaponized terms like "critical race theory," sparking book bans and laws that target student inclusion. Now, they are doing the same with DEI. The defunding, rollback, and demonization of DEIA programs are part of a larger campaign to erase both the historical and current realities of discrimination and oppression, with the ultimate goal of eliminating the legal protections and policies designed to address them.

## **Conclusion.**

Article 1, paragraph 4, of the International Convention on the Elimination of Racial Discrimination (ICERD) recognizes that "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms" do not constitute racial discrimination against other groups.<sup>46</sup> This is exactly what the

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<sup>44</sup> Dhruv T. Patel, *Federal Judge Hits Pause on Trump's Push to Halt Federal Funding for DEI Programs*, The Harvard Crimson (Feb. 23, 2025), <https://www.thecrimson.com/article/2025/2/23/judge-pauses-dei-funding-cuts/>.

<sup>45</sup> David Sanger, "Trump Blames D.E.I. and Biden for Crash Under His Watch," *New York Times*, January 30, 2025, <https://www.nytimes.com/2025/01/30/us/politics/trump-plane-crash-dei-faa-diversity.html>

<sup>46</sup> United Nations, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 1, paragraph 4 (1965).

values of diversity, equity, and inclusion – which form the foundation of our civil rights laws – aim to achieve.

The U.S. is under a full-scale assault from forces of white supremacy, seeking to erase the truth about the nation's history and present. One key aim of this campaign is to eliminate policies like diversity, equity, and inclusion, which work to address historical wrongs, prevent future harm, and support the success of Black and Brown communities. Ultimately, these efforts aim to preserve and reinforce white control over economic and political power, in spite of the dramatically decreasing white share of the U.S. population. The narrative of racial difference that Bryan Stevenson alluded to sadly remains disturbingly prevalent.

To combat this campaign, the U.S. government should:

1. **Reaffirm Commitment to Civil Rights Laws:** The U.S. must reaffirm its commitment to the core principles of civil rights laws, including those enshrined in the Civil Rights Act of 1964, the Fair Housing Act, Section 1981, and Section 1983. These laws must be robustly enforced to combat racial discrimination and ensure equal opportunities for all, particularly for communities of color who continue to face systemic barriers.
2. **Support and Protect Diversity, Equity, and Inclusion (DEIA) Initiatives:** DEIA programs must be defended as essential tools in addressing the historical and ongoing impacts of racial discrimination. These initiatives are critical in promoting fairness, expanding access to opportunities, and dismantling systemic inequalities across all sectors, including education, employment, and government.
3. **Strengthen Legal Protections for Marginalized Communities:** Congress and state legislatures should expand and strengthen legal frameworks that provide protections against racial discrimination in housing, employment, education, and voting. This includes closing loopholes in existing laws and creating new policies that address emerging forms of discrimination.
4. **Promote Truth and Reconciliation Efforts:** The U.S. must confront its history of racial injustice, including slavery, segregation, and disenfranchisement, through truth-telling and reconciliation efforts. This includes ensuring that the history of Black Americans and other communities of color is accurately taught and acknowledged in educational institutions and public discourse.

5. **Invest in Reparative Justice:** The U.S. government should prioritize reparative justice initiatives to address the continuing impacts of slavery and racial discrimination. This includes policies aimed at closing the racial wealth gap, providing healthcare and educational opportunities, and ensuring fair access to housing, employment, and political participation for Black and Brown communities.
6. **Combat Racial Disinformation:** The spread of false narratives designed to undermine progress on racial justice must be countered through education, public awareness campaigns, and legislative action. The U.S. should work to ensure that factual information about racial inequality and the need for DEIA policies is widely disseminated, particularly in the face of ongoing efforts to whitewash the nation's history and present.

By taking these actions, the U.S. can push back against the forces attempting to erase progress and ensure that the principles of justice, equality, and inclusion are upheld for all citizens, regardless of their race or ethnicity. These efforts will contribute to a future where all individuals, particularly those from historically marginalized groups, can enjoy the full benefits of human rights and fundamental freedoms.

We hope that this submission will be useful in preparing the 2025 report of the UN High Commissioner for Human Rights. For additional information, please contact Lisa Borden, Senior Policy Counsel for International Advocacy, [lisawborden@gmail.com](mailto:lisawborden@gmail.com).