



International Human Rights

The International Convention on the Elimination of All Forms of Racial Discrimination and the Fight for Racial Justice

The United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1994 but continues to fail to implement the treaty. Contrary to positions taken by U.S. administrations at the U.N., domestic civil rights legislation does not satisfy all the nation's obligations under the treaty, leaving critical rights unfulfilled for Black Americans. US failure to comply with its obligations under this and other human rights treaties damages the credibility of its efforts to support and expand human rights abroad.

In 2022, the U.N. Committee on the Elimination of Racial Discrimination conducted its periodic review of U.S. compliance. In its Concluding Observations and Recommendations, the Committee pointed out numerous and serious ways in which the U.S. is not upholding its obligations under the treaty and made recommendations to the US government for improving compliance. Among the findings and recommendations, the Committee addressed several important SPLC priorities:

Hate and Extremism: The Committee expressed concerns about the rise in race-based hate crimes and hate speech, especially the increased activity and influence of white supremacist and violent extremist groups and urged the U.S. to take steps to respond.

- Among the recommended measures were mandatory participation in FBI hate crime data reporting (or the conditioning of federal funding for law enforcement agencies on credible participation) and mandatory hate crime training for all law enforcement officials.

Voting Rights: The Committee was alarmed by the prevalence of state voter suppression laws.

- The Committee recommended restoring the Voting Rights Act and taking other measures, including federal legislation, to eliminate unreasonable restrictions on the right to vote. The also committee recommended steps to ensure that people convicted of felonies have their voting rights restored upon completion of their incarceration and that the federal government review state laws that provide for the automatic disenfranchisement of those who are incarcerated.

Recommendations for Congress

- Create and fund an independent national human rights institution to monitor, report on and assist with compliance with international treaties.
- Pass legislation requiring Congressional oversight of domestic implementation of the ICERD and other ratified human rights treaties by federal government agencies.
- Members of Congress should engage directly with U.N. representatives through periodic briefings and by participating in their official U.S. country visits.

Mass Incarceration: The overrepresentation of Black and Brown people in U.S. prisons, and their disproportionate presence in long-term solitary confinement, were issues of concern for the Committee, along with racially disparate forced prison labor practices.

- The Committee called on the U.S. to adopt strict limitations on the use of solitary confinement in line with the U.N.'s Mandela Rules, which provide standards for the treatment of incarcerated people, and urged full compliance with the Mandela Rules on prison labor.

Education: The Committee stated concerns about state-level measures to prohibit school instruction about race, discrimination, privilege and oppression, and about book banning and intimidation of teachers and school administrators. The committee also echoed the concerns raised by the SPLC about education funding disparities and private school voucher programs that are exacerbating racial segregation in schools around the country and about racially disproportionate school discipline and policing.

- The Committee recommended that the U.S. take measures to ensure that human rights education, including race discrimination and the history of slavery and colonialism, is part of all school curricula, and to afford adequate protections for educators from harassment, intimidation and violence. It further recommended development of a comprehensive national plan on socioeconomic and racial school segregation, along with measures to pressure states to address funding disparities and to combat school discipline and juvenile justice disparities.

Links

[International Convention on the Elimination of All Forms of Racial Discrimination](#)

[Concluding Observations and Recommendations of the U.N. CERD](#)

SPLC article, "[UN Report: US Fails to Implement Terms of Treaty on Eliminating Racial Discrimination](#)"

SPLC article, "[Safeguarding Democracy: US Should Establish a National Human Rights Institution](#)"