

International Convention on the Elimination of all forms of Racial Discrimination

1. What is CERD?

CERD stands for the International Convention on the Elimination of All Forms of Racial Discrimination. It is a United Nations (UN) law adopted and opened for signature and ratification by the UN General Assembly on December 21, 1965, and it officially entered into force on January 4, 1969. To date, it has been ratified (formally agreed to) by 173 nations around the globe. The United States ratified it in 1994.

2. Why is CERD important?

CERD is important because it creates obligations with respect to racial justice that are legally binding for all its signatories, including the United States. For example, CERD mandates every country to collect data and seek out discrimination in all its territories and calls for affirmative measures where necessary. In addition, where US law has different standards of review for varying degrees of discrimination (thus making disparate impact claims difficult to win), CERD does not distinguish between *intentionally* discriminatory acts and those that have discriminatory *effects*. Therefore, CERD provides a stronger means of bringing certain types of claims than is provided by US law. As a result, CERD provides a much-needed framework that organizations and activists can use to challenge the US Government's persistent denial of responsibility when it comes to issues surrounding race in this country.

3. What is the CERD Committee?

The Committee on the Elimination of Racial Discrimination oversees the implementation of CERD. It is comprised of eighteen independent experts who usually meet twice annually for three-week sessions in Geneva, Switzerland. The Committee also publishes its interpretation of the human rights provisions (called "General Recommendations") on thematic issues and organizes thematic discussions.

4. Who are the current Members of the Committee?

The 18 independent experts who comprise the Committee are persons of "high moral standing and acknowledged impartiality". They are chosen on the basis of those characteristics and in consideration of equitable geographic distribution. Committee members are elected for four-year terms by States parties to CERD and may be reelected for multiple terms. Currently, the Committee is made up of members from the following countries: Algeria, Argentina, Brazil, Burkina Faso, China, Denmark, Ecuador, Egypt,

France, Greece, Guatemala, India, Pakistan, Russia, South Africa, Togo, United Kingdom, and United States. The representative from the United States is Pierre-Richard Prosper.

5. Why does the US periodically turn in a Report to the UN?

As one of its obligations under CERD, the United States Government is required to submit a periodic report to the Committee on how CERD is being implemented in the United States. The United States submitted its 2007 Report to the Committee in April. This is only the second time the United States has submitted a report since it ratified CERD in 1994. Its initial report was submitted to the Committee in September 2000, and oral presentations were made to the Committee in August 2001.

6. Was the US Government's most recent (April 2007) Report comprehensive?

The Government's 2007 Report glosses over several major issue areas, and overlooks some major events that are relevant to the Report. For example:

- The Government's Report only mentions Katrina once in its entire 132 pages and even then, it only discusses the problem of poverty in America, and fails to even mention discrimination as an issue.
- The Report cites the No Child Left Behind legislation as a measure to bring an end to racial disparities in education achievement, whereas this was not at all the intent of the legislation in reality.
- The Report briefly states that there is a disproportionate number of African Americans on death row in the US, but fails to provide any explanation for this or mention any efforts that are being taken to resolve the issue.
- The Report fails to mention recent police brutality cases.

There are many other examples of gaps and misleading statements in the Government's Report (See HRP's "What's Missing" document). It is up to activists to supply the Committee with a more realistic and on-the-ground assessment of the state of racial discrimination in the United States, through the "shadow reporting" process.

7. What is a "Shadow Report"?

When a country submits a "state report" to the CERD Committee, it is common practice for non-governmental organizations (NGOs) from that country to also submit reports called "shadow reports". These reports provide alternative information on the state of affairs in that country and often provide a "real-life" assessment of what is happening regarding the implementation and enforcement of CERD within that country. The CERD Committee members often depend on these shadow reports to guide their questioning when the US is up for review. After the US Report has been reviewed, the CERD Committee will write a set of official recommendations for the US and this instrument can be useful in further holding the US accountable to CERD. Shadow reports are often influential in the drafting of these concluding observations, which are then made public.

Writing shadow reports therefore also provides a rare opportunity for racial justice activists to expose the hypocrisy surrounding race in the United States to the world.

8. Why should I/my organization get involved?

CERD is a very important document because it places legal obligations on the US Government with respect to racial discrimination that do not exist in domestic law. It also provides a means for exposing problems in the US on a global stage, which in the past has been one of the most effective means of ensuring change at home. However, CERD cannot be effectively used unless the CERD Committee is made fully aware of the issues that the US struggles with and the government is not addressing. This is why it is very important that organizations and individuals participate in the shadow reporting process. Moreover, the shadow reporting process will be extremely informative for everyone involved and it will provide a channel for condensing statistics and research prepared by other organizations in one comprehensive document. The end result will be a document that can be used to further local advocacy and educate the public even after the shadow reporting process is completed.

9. How can I get involved?

You or your organization can participate in several ways. First of all, you can participate in the drafting of the National Shadow Report organized by the US Human Rights Network (www.ushrnetwork.org). In particular, if you or your organization has a special area of expertise, providing information – in the form of reports, statistics, testimonial information (including video), anecdotes, interviews, etc. – would be very helpful to the drafting of the National Shadow Report. Second, your organization can coordinate a regional or issue-based shadow report to be submitted or participate in a pre-existing working group. For New York City groups, please note that HRP is currently coordinating a New York City Shadow Report. Please see our website for more information: www.hrpujc.org. Finally, you organization can begin to work with state and municipal legislatures on the possibilities of incorporating CERD into local law. To participate, contact www.hrpujc.org/forum.

10. Is the Shadow Report the only way I can participate?

No. You may also provide invaluable assistance to this effort by simply providing information, statistics and/or research that you have compiled on racial discrimination. You can also show your support by getting the word out or by providing financial support.

11. Do I need to be an experienced researcher and writer to participate in the Shadow Report?

No. We encourage anyone who is interested to get involved. There are many valuable roles you can play in the shadow report without researching or writing a single word!