

Racism in America

UN Report points to "stark racial disparities" in U.S. institutions, including its criminal justice system

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RIGHTS-US: U.N. Panel Finds Two-Tier Society

By Haider Rizvi

UNITED NATIONS, Mar 11 (IPS) – The United States government is drawing fire from international legal experts for its treatment of American Indians, Blacks, Latinos and other racial minorities.

The U.S. is failing to meet international standards on racial equality, according to the U.N. Committee on the Elimination of Racial Discrimination (CERD) based in Geneva, Switzerland.

Last Friday, after considering the U.S. government's written and oral testimony, the 18-member committee said it has found "stark racial disparities" in the U.S. institutions, including its criminal justice system.

The CERD is responsible for monitoring global compliance with the 1969 Convention on the Elimination of Racial Discrimination, an international treaty that has been ratified by the United States.

In concluding the CERD report on the U.S. record, the panel of experts called for the George W. Bush administration to take effective actions to end racist practices against minorities in the areas of criminal justice, housing, healthcare and education.

This is the second time in less than two years that the U.S. government has been found to be falling short of its treaty obligations. In March 2006, The CERD had harshly criticised the U.S. for violating Native Americans' land rights.

Taking note of racial discrimination against indigenous communities, the Committee said it wants the U.S. to provide information about what it has done to promote the culture and traditions of American Indian, Alaska Native and indigenous Hawaiian peoples. It also urged the U.S. to apply the U.N. Declaration on the Rights of Indigenous Peoples.

The CERD also voiced strong concerns regarding environmental racism and the environmental degradation of indigenous areas of spiritual and cultural significance, without regard to whether they are on "recognised" reservation lands.

The Committee recommended to the U.S. that it consult with indigenous representatives, "chosen in accordance with their own procedures — to ensure that activities carried out in areas of spiritual and cultural significance do not have a negative impact on the enjoyment

of their rights under the Convention”.

In its 13-page ruling, the U.N. body also raised serious questions about the death penalty and in the sentencing of minors to life without parole, which it linked to racial disparities between whites and blacks.

In their testimony, Bush administration officials held that the treaty obligations do not apply to laws or practices that are race-neutral on their face but discriminatory in effect. The Committee outright rejected that claim, noting that the treaty prohibits racial discrimination in all forms, including practices and legislation that may not be discriminatory in purpose, but in effect.

The CERD panel also objected to the indefinite detention of non-citizens at Guantanamo prison and urged the U.S. to guarantee “enemy combatants” judicial review.

The panel said the U.S. needs to implement training programmes for law enforcement officials, teachers and social workers in order to raise their awareness about the treaty and the obligations the U.S. is required to uphold as a signatory.

Human rights defenders who watched the CERD proceeding closely said they were pleased with its observations and recommendations.

“The U.N. is telling the U.S. that it needs to deal with an ugly aspect of its criminal justice system,” said Alison Parker of Human Rights Watch, which has been monitoring discriminatory practices in the United States for years.

In a statement, Parker hailed the U.N. panel for rejecting the U.S. government’s claim that more black children get life without parole because they commit more crimes and held that the U.N. criticism of the justice system was fair.

“Once again, the Bush administration has been told by a major human rights body that it is not above the law,” said Parker in of the indefinite detention of terrorism suspects at Guantanamo prison.

Other rights activists also held similar views about the outcome of the CERD hearings in Geneva.

“[It has] exposed to the world the extent to which racial discrimination has been normalised and effectively made permissible in many areas of American life,” said Ajamu Baraka of the Human Rights Network, an umbrella group representing more than 250 rights advocacy organisations.

As part of its recommendations, the Committee has asked the U.S. government to consider the establishment of an independent human rights body that could help eliminate widespread racial disparities.

Lenny Foster, Diné (Navajo) and representative of the Native America Prisoners Rights Coalition, was a member of the indigenous delegation to the CERD. He observed during the examination that the United States was “in denial”.

“Spiritual wellness and spiritual healing is paramount to the very survival of the indigenous

nations," he said. "There are efforts to prohibit and impede the spiritual access. Corporations cannot be allowed to prohibit access and to destroy and pollute and desecrate the sacred lands."

Bill Larsen of the Western Shoshone Defence Project delegation also testified before the Committee, making a strong case concerning environmental racism and the deadly pollution caused by mining on their ancestral lands.

In March 2006, the Western Shoshone leaders had received a favourable response from the Committee to its complaint about the U.S. exploitation of their sacred lands. The U.S. is obligated "to freeze, desist and stop further harmful activities on their lands", but failed to take any action.

Indigenous leaders said they welcomed the Committee's decision to ask the U.S. to submit its report on compliance within one year.

"It is important that all Native Peoples within the U.S. know that they have rights that are recognized by international law even if the United States refuses to recognise them or act upon them," said Alberto Saldamando, one of the indigenous delegates attending the Geneva meeting.

"Now it is not just us," he continued, "but the international community that has recognised that indigenous peoples within the United States are subject to racism on many levels and has called for effective steps by the U.S. to remedy this situation."

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