



August 30, 2018

Ms. Jennifer Newstead
Legal Adviser
U.S. Department of State
600 19th St., N.W.
Washington, D.C. 20522-1705

Re: U.S. Periodic Report to the U.N. Committee on the Elimination of Racial
Discrimination

Dear Ms. Newstead,

As you know, the United States ratified the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1994, and has since submitted several periodic reports in compliance with Article 9 of that Convention. The United States last reported to the Committee on the Elimination of Racial Discrimination (CERD) in June 2013 with a one-year follow up submission in September 2015. The Committee last reviewed the United States in August 2014 and issued a comprehensive list of concerns and recommendations. The U.S. tenth, eleventh and twelfth periodic reports were due on November 20, 2017, but the federal government has yet to comply. State Department officials have acknowledged the delay and stated that the “report is currently going through inter-agency review.” We urge you to expedite the review process and submit the report to the CERD with no further delay.

Last summer, civil society organizations participated in an inter-agency meeting organized by the State Department in order to discuss the U.S. periodic report. Several groups have made written submissions detailing substantive suggestions and recommendations for the U.S. report. We are extremely disappointed that this meeting did not lead to a timely report to the CERD Committee. This delay is in violation of U.S. government reporting obligations and has resulted in delaying U.S. government review before the UN Committee.

Last month, U.S. ambassador to the United Nations, Nikki Haley, said that U.S. withdrawal from the Human Rights Council “is not a retreat from U.S. human rights commitments.” Yet, the delay in submitting the U.S. report to CERD coupled with the Trump administration troubling record rolling back civil rights protections and repealing policies which aimed to bring the U.S. in line with its international human rights obligations over racial, ethnic, and national origin discrimination indicate that Ambassador Haley’s statement is inconsistent at best and appears to be a veiled attempt to evade independent human rights scrutiny.

This failure to submit a report on the state of racial discrimination in our country is preventing the CERD Committee from moving forward. In order to hold a timely review to discuss whether progress has been made to address concerns raised in the recommendations issued in 2014 and 2015 (which addressed a myriad of serious racial and ethnic discrimination issues in the areas of voting rights, gender and education justice, immigrants’ rights, criminal justice and more), the CERD Committee must have access to necessary information.

We urge you to expedite the submission of the U.S. periodic report to the Committee on the Elimination of Racial Discrimination and avoid an unprecedented situation where the Committee will have to move forward with the formal review without an official U.S. government report.

Sincerely,

American Civil Liberties Union
Lawyers’ Committee for Civil Rights Under Law
National Association for the Advancement of Colored People
US Human Rights Network
Leadership Conference on Civil and Human Rights