



**The United States of America's Compliance with the International Convention on
the Elimination of Racial Discrimination**

Parallel Report Relating to Rights of Women and Girls of Color

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The State of Minnesota Missing and Murdered African American Women Task Force

and

Research in Action

for the 107th Session of the Committee on the Elimination of Racial Discrimination
8–30 August 2022

Submitted 15 July 2022

Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

The State of Minnesota Missing and Murdered African American Women Task Force (MMAAW) was created during the 2021 Minnesota Legislative Session. The first of its kind in the nation, the MMAAW Task Force will examine and report on the following (1) Systemic causes of violence against African American women and girls, (2) Appropriate methods of tracking and collecting data, (3) Policies, practices, and institutions that assist in perpetuating violence against African American women and girls, and (5) Measures necessary to help victims, their families, and their communities. The Task Force, made up of elected officials, state actors, and leaders from community organizations, brings expertise from policy, law, data, and direct service.

Research in Action (RIA) was founded by Dr. Brittany Lewis in 2019 and is a racially diverse and gender-inclusive social benefit corporation based out of North Minneapolis, Minnesota. RIA use's action research, community engagement, and mixed methods racial equity assessment tools to deliver equitable outcomes. RIA produces actionable research products in partnership with communities that are most impacted and other relevant stakeholders modeling a new theory of change. The *Equity in Action* model creates real, tangible practice and policy solutions to shift the racial justice narrative and redefine non-profit, city, county, and state processes to be more community-centered and equitable.

EXECUTIVE SUMMARY

1. The Government of the United States of America has failed to uphold its obligations to protect women and children of ethnic and racial minorities under Articles 2, 3, 5, and 6 of the International Convention on the Elimination of Racial Discrimination.
2. This report provides an overview of human rights developments related to violence against women and girls of color since the United States' last review. It concludes that the Government of the United States has failed to uphold its obligations under CERD. This report will review specific human rights violations that require immediate attention by the Government of the United States, including the right to freedom from discrimination in terms of the criminal justice system, accessible housing and healthcare, and education, along with freedom from violence.
3. In the United States, somewhere between 64,000 and 75,000 Black girls and women are missing¹, and Black women die of homicide at twice the rate of the general population of women.² Nationally, cases involving Black girls and women stay open, or remain pending, four times longer than other cases on average.³ In the U.S. state of Minnesota, in 2020, 40% of domestic violence victims were Black, although they constitute less than 7% of Minnesota's population.⁴ Additionally, there is insufficient attention from both law enforcement and the media to cases of violence perpetrated against Black women and girl, a problem sometimes referred to as "missing white woman syndrome"⁵ Black women find themselves leading the work of addressing violence against Black women and girls as well as helping victims, families, and community healing, but are doing so with very little resources.
4. Specific services for Black women and girls are also under-resourced. Despite legislative advances, significant racial disparities in matters of ensuring culturally specific, safe, and affordable housing remain.

The United States fails to uphold its obligations under the Convention on the Elimination of Racial Discrimination (CERD) in regard to its treatment of Women and Girls of Color

5. As a State Party to the Convention on the Elimination of Racial Discrimination, the United States has an obligation to protect all people- including women and girls of color- from racial discrimination. These include an obligation under Articles 2 and 3 to take steps when necessary to ensure adequate development and protection of certain racial groups. This also includes an

¹ National Center for Missing and Exploited Children

² Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746. DOI: <http://dx.doi.org/10.15585/mmwr.mm6628a1External>.

³ Jada L. Moss, *The Forgotten Victims of Missing White Woman Syndrome: An Examination of Legal Measures That Contribute to the Lack of Search and Recovery of Missing Black Girls and Women*, 25 *Wm. & Mary J. Women & L.* 737 (2019), <https://scholarship.law.wm.edu/wmjowl/vol25/iss3/9>

⁴ Violence Free Minnesota. *2020 Homicide Report: Relationship Abuse in Minnesota*

⁵ "Missing White Woman Syndrome" is the term used to explain the phenomena in which race and gender impact whether a missing persons case receives media attention and the intensity of the attention that is generated. Zach Sommers, *Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons*, 106 *J. Crim. L. & Criminology* (2016).

<https://scholarlycommons.law.northwestern.edu/jclc/vol106/iss2/4>

obligation under Article 5, ensure the right to equal treatment before the organs administering justice and the right to housing, medical care, and education.

I. Racial Disparities in the Criminal Justice System (List of Themes, paragraph 13)

6. In its 2022 List of Themes, the Committee on the Elimination of Racial Discrimination recommended taking further measures to address racial disparities in the criminal justice system.
7. In its State Party response, the United States noted legislation, such as the 2018 First Step Act, which provides eligible inmates the opportunity to earn 10-15 days of time served credits for every 30 days they successfully participate in a recidivism reduction program, as well as other legislation, such as the Fair Sentencing Act of 2010.⁶ The U.S. cited the retroactive use of the Fair Sentencing Act of 2010 leading to longer sentences for possession of crack cocaine than for powder cocaine as an example of a reform that disproportionately impacts incarcerated African Americans.⁷
8. Black women continue to be incarcerated and receive more severe sentences than any other socio-demographic group.⁸ This is due, among other things, to the zero tolerance, overpoliced and inadequate school environment which “subjected them to violence, arrest, suspension and/or expulsion.”⁹ In the general U.S. population, African American women constitute just 13 percent of females.¹⁰ Despite recent action taken by President Biden to tackle systemic racism, Black women still make up 30 percent of the women’s prison population, and they continue to outnumber White women in incarceration rate by two to one.¹¹ One cause of this phenomena is the correlation between exclusionary discipline in schools and adult contact with the criminal justice system.¹² In 2007, an estimated “38.5% of Black girls had been suspended, compared to 11.6% for white girls,¹³” largely due to supposed behavioral issues¹⁴.
9. **Suggested recommendations** relating to Criminal Justice:

⁶ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 114

⁷ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 114

⁸ Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 7 https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf

⁹ Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 8 https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf

¹⁰ <https://www.americanprogress.org/article/fact-sheet-the-state-of-african-american-women-in-the-united-states/>

¹¹ Talitha L. LeFlouria, *Criminal justice reform won’t work until it focuses on Black women*, The Washington Post, (February, 2021), <https://www.washingtonpost.com/outlook/2021/02/12/criminal-justice-reform-wont-work-until-it-focuses-black-women/>

¹² Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 4, <https://www.aapf.org/publications>

¹³ The African American Policy Forum, *The Plight of Black Girls and Women in America*, (13 July 2022), <https://www.aapf.org/publications>

¹⁴ Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 5, <https://www.aapf.org/publications>

- Consult with civil society organizations that serve or advocate for Black women and girls to identify the root causes of the disproportionate incarceration rates and to determine measures to take to address them.
- Take steps, in consultation with civil society, to ensure legislation does not have retroactive disparate impacts on marginalized communities.

II. Inadequate housing places vulnerable women and children of color at risk of homelessness and becoming further victimized (List of Themes, paragraph 17)

10. In its State Party response to the 2022 List of Themes, the United States stated that, under Biden’s administration, they have tackled the adverse effect of housing segregation and discrimination. In the memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies, the administration acknowledged the role of the federal government in perpetuating residential segregation and discrimination.¹⁵ Consistent with this, the Department of Justice’s Office on Violence against Women (DOJ/OVW) launched a grant program aimed at assisting and supporting victims domestic and sexual violence to transition to new housing facilities as well as administered the Second Chance Act program, “which funds state, local, and tribal governments in reducing recidivism for people returning from incarceration”.¹⁶ The DOJ partnered with the Department of Urban Development (HUD) in 2016 allocating \$9.2 million for stable housing to victims of domestic violence, dating violence, sexual assault, and stalking who are living with HIV/AIDS¹⁷. They also tackled housing discrimination through the implementation of the Fair Housing Act (FHA) in a way that does not intentionally or unintentionally reinforce existing housing discrimination against survivor of domestic violence¹⁸ HUD issued its final rule implementing the requirements of the 2013 Violence Against Women Act (VAWA) that same year¹⁹.
11. Women, children and minorities are disproportionately impacted by poor and insecure housing and living conditions.²⁰ The State of Minnesota Missing and Murdered African American Women Task Force (“Task Force”) members reported there are no Black women and girl-specific shelters in the state of Minnesota, which is a missed opportunity to offer culturally-

¹⁵ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc.

CERD/C/USA/10-12, ¶ 50

¹⁶ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc.

CERD/C/USA/10-12, ¶ 47

¹⁷ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc.

CERD/C/USA/10-12, ¶ 8

¹⁸ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc.

CERD/C/USA/10-12, ¶ 47

¹⁹ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc.

CERD/C/USA/10-12, ¶ 111

²⁰ U.S. Department of Health and Human Services, *Child Health, Health Resources and Services Administration, Maternal and Child Health Bureau*, (2011), *Women’s health USA 2011*. Rockville, MD: U.S. Department of Health and Human Services.

specific support and resources to Black women and girls in need of safe and stable housing.²¹ Being precariously housed increases the chances of experiencing violence, especially for Black women and girls.²² The Task Force Advisory Council (“Advisory Council”) members highlighted how unstable housing for youth can lead girls to resort to sexual exploitation in order to obtain housing.²³ Insufficient housing support has also forced many Black and marginalized women and girls to remain living with their abusive partner,²⁴ adversely impacting their mental and overall health.²⁵

12. Suggested recommendations relating to Housing:

- Ensure effective implementation of the Fair Housing Act and support ongoing monitoring of its implementation to ensure it is applied without discrimination or with discriminatory impact.
- Provide adequate funding for organizations specializing in providing housing and other resources to survivor victims and marginalized women and children.
- Expand efforts to identify vulnerable and at-risk women and children and consult with those adults and organizations who serve them to best understand and address their needs.
- Provide culturally-specific support and resources for marginalized women and children that is either led by or developed in consultation with the groups that directly serve these populations and best understand their needs.

III. Disparities in healthcare place women and children of color at higher risk (List of Themes, paragraph 18)

13. In its State Party response to the 2022 List of Themes the United States committed to “expanding access to quality, affordable health coverage and prohibiting discrimination based on race, color, national origin, sex (including sexual orientation and gender identity), age, or disability in various health programs” as well as “reducing the country’s unacceptably high maternal mortality and morbidity rates, and the racial disparities that particularly impact Black and Native American communities.”²⁶ The Department of Health and Human Service released

²¹ Written information from Research in Action, 27 April 2022, on file with author.

²² Patty R. Wilson, Kathryn Laughon, “How to House, Shelter to Shelter: Experiences of Black Women Seeking Housing after Leaving Abusive Relationships,” *Journal of Forensic Nursing*, April 2015, 77 https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships

²³ Nicole Martin Rogers, Virginia Pendleton, *Missing and Murdered Indigenous Women Task Force A report to the Minnesota Legislature*, December 2020, 10, <https://www.lrl.mn.gov/docs/2020/mandated/201198.pdf>

²⁴ Patty R. Wilson, Kathryn Laughon, “House to House, Shelter to Shelter: Experiences of Black Women Seeking Housing After Leaving Abusive Relationships” *Journal of Forensic Nursing*, April 2015, https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships

²⁵ Patty R. Wilson, Kathryn Laughon, “House to House, Shelter to Shelter: Experiences of Black Women Seeking Housing After Leaving Abusive Relationships” *Journal of Forensic Nursing*, April 2015, 81 https://www.researchgate.net/publication/277082252_House_to_House_Shelter_to_Shelter_Experiences_of_Black_Women_Seeking_Housing_After_Leaving_Abusive_Relationships

²⁶ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶¶67- 68

an Action Plan in 2020, and government announced a partnership with the March of Dimes aimed at reducing maternal deaths and disparities, among other goals.²⁷ The Action Plan is dedicated to investing in quality health care for vulnerable and rural women as well as in maternal health research and data collection.²⁸

14. Maternal and infant mortality, as well as inadequate access to healthcare, remains higher for Black and Native American women compared to white women.²⁹ According to the State Party report, “infants of non-Hispanic Black and non-Hispanic American Indian or Alaska Native women consistently had the highest mortality rates.”³⁰ For example, “in 2017, the infant mortality rate for non-Hispanic Black women was 10.88 per 1,000 live births, while the rate for non-Hispanic American Indian or Alaska Native women was 8.9 per 1,000 live births.”³¹ These figures are compared to the 4.03 per 1,000 live births for non-Hispanic Asian or Pacific Islander mothers.³²
15. While this is a complex phenomenon exacerbated by factors such as poor access and healthcare provision, underlying chronic conditions, structural racism, and implicit bias,³³ changes to legal access to safe abortion and contraception in many states following the reversal of the *Roe v. Wade* decision is expected to disproportionately increase the numbers of maternal mortality in Black and marginalized communities.³⁴ A 2021 study on birth and abortion showed the possibility that abortion bans could increase the maternal death rates in Black communities by 12 percent in the first year and by 33 percent in the following year³⁵ primarily due to the unequal access to birth control, health insurance, and health care.

16. Suggested recommendations relating to Health care:

²⁷ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 71

CERD/C/USA/10-12, ¶ 71

²⁸ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 71

CERD/C/USA/10-12, ¶ 71

²⁹ Center for Disease Control and Prevention “Health Equity: Working Together to Reduce Black Maternal Mortality” accessed June 2022), <https://www.cdc.gov/healthequity/features/maternal-mortality/index.html>; Indian Health Service, *Maternal Mortality and Morbidity in Indian Country*, 2019,

https://www.ihs.gov/sites/dccs/themes/responsive2017/display_objects/documents/IHSmaternalmortalityfsfinal.pdf

³⁰ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

³¹ Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

³² Convention for Elimination of Racial Discrimination, *Combined tenth to twelfth periodic report submitted by the United States under article 9 of the Convention, due in 2017*, (2 June 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 70.

³³ Center for Disease Control and Prevention “Health Equity: Working Together to Reduce Black Maternal Mortality” accessed June 2022), <https://www.cdc.gov/healthequity/features/maternal-mortality/index.html>

³⁴ Christine M. Slaughter and Chelsea N. Jones, *How Black women will be especially affected by the loss of Roe*, The Washington Post, June 25, 2022, <https://www.washingtonpost.com/politics/2022/06/25/dobbs-roe-black-racism-disparate-maternal-health/>

³⁵ Amanda Jean Stevenson, “The Pregnancy-Related Mortality Impact of a Total Abortion Ban in the United States: A Research Note on Increased Deaths Due to Remaining Pregnant”, *Demography*, (December 1, 2021) 58 (6): 2019–2028. doi: <https://doi.org/10.1215/00703370-9585908>

- Undertake or support studies to understand the causes and aggravating factors behind maternal and infant mortality rates, with a specific focus on Black and Native American women and their reproductive health needs.
- Enact legislative measures to ensure all women have access to culturally competent services.
- Ensure safe and accessible abortions are available to all women and girls without discrimination.
- Ensure post-medical services are readily available.
- Remove barriers, such as mandatory waiting periods and travel requirements.
- Remove legal provisions and criminal laws penalizing women and medical providers.

IV. Discrimination in the educational system (List of Themes, paragraph 20)

17. In its State Party response to the 2022 List of Themes, the United States claimed the State Party “strongly supports diversity in elementary, secondary, and higher education because racially diverse educational environments help prepare all students to succeed.”³⁶ It also reported it continues to ensure equal educational opportunities through legislative reauthorizations and different programs funded and provided by the Department of Education (DE)³⁷.
18. Data released by the DE shows that in 2012, Black girls were suspended from school six times more often as their white counterpart and they were overall more likely to receive punitive discipline.³⁸ Such patterns of punishment within the school system jeopardizes their attendance rate and therefore their chances of earning a degree.³⁹ Restriction of self-expression, in particular Black girls’ hair, and policing of their image is one example of how Black girls are disproportionately impacted.⁴⁰ Research has found that the discrepancies in discipline contribute to the pipeline to the criminal justice system,⁴¹ with an estimated 1 in 18 Black women “incarcerated at least once in their lifetime compared to 1 in 111 white women and 1 in 45 Latinas.”⁴²
19. **Suggested recommendations** relating to Education:

³⁶ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 14

³⁷ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 55

³⁸ Kimberlé Williams Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Under protected*, African American Policy Forum, 2015, 16, https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/BlackGirlsMatter_Report.pdf

³⁹ Connie Wun, “Angered: Black and non-Black girls of color at the intersections of violence and school discipline in the United States”, *Race Ethnicity and Education*, 2018, 423 DOI: 10.1080/13613324.2016.1248829

⁴⁰ Written information from Research in Action, 27 April 2022, on file with author.

⁴¹ Monique W. Morris, *Race, Gender and the School-to-Prison Pipelines*, The African American Policy Forum, (13 July, 2022) 5, <https://www.aapf.org/publications>

⁴² The African American Policy Forum, *The Plight of Black Girls and Women in America*, (13 July 2022), <https://www.aapf.org/publications>

- Undertake or support studies to understand the suspension and other academic punishments levied in K-12 public schools, with a specific focus on racial disparities and uncovering the reasons for those punishments.
- Develop, following comprehensive studies and consultations with affected populations, culturally appropriate training and reforms of relevant academic policies to address discrimination against Black girls in terms of school punishments, self-expression, and other policies.
- Provide adequate funding for various programs, including specific line items intended to address discrimination and the specific needs of Black and minority schoolgirls, provided by the Department of Education.

V. The United States fails to adequately protect women and children of color from violence (List of Themes, paragraph 20)

20. In its State Party response to the 2022 List of Themes, the United States stated it was “concerned about violence against women and [to be] tak[ing] aggressive action to prosecute perpetrators and provide services to victims.”⁴³ The Bureau of Indian Affairs (BIA) implemented a strategic plan to tackle domestic and family violence which disproportionately impacts Indigenous women.⁴⁴ It also funded and administered trainings, grants and programs aimed at reducing and addressing various forms of gender-based violence within Indigenous and Black communities often in partnership with DOJ, HHS, HUD and the Department of Interior (DOI), in accordance with the Violence Against Women Act (VAWA).⁴⁵
21. More than half of Indigenous women have experienced sexual violence and nearly one in three have experienced rape in their lifetime, according to data from May 2022.⁴⁶ Tribal authority to prosecute perpetrators is undermined and the latter are often able to evade justice, denying access to justice to the survivors, due to the complex interrelation between federal, state and tribal jurisdictions.⁴⁷ While the 2010 Tribal Law and Order Act (TLOA) and the 2022 reauthorization of VAWA have partially addressed this issue, there continue to be challenges related to the authority of tribes to protect women and the legislation has not yet resulted in any significant decrease in rates of sexual violence against indigenous women.⁴⁸ Research also shows that VAWA has failed to properly protect Black women from violence. VAWA’s mandatory arrest provision resulted in an increase in police involvement within the Black

⁴³ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 101

⁴⁴ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 102

⁴⁵ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 102-111

⁴⁶ Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

⁴⁷ Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

⁴⁸ Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, May 2022, 8, <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

community which also led to a greater likelihood of arrest and brutality for Black women due to racial and gender-stereotyping.⁴⁹

22. Black girls are often at greater risk if they go missing, due to authorities labelling them as “runaways” more often. Black girls are more likely to be classified as runaways compared to white girls.⁵⁰ When law enforcement categorizes an individual as a “runaway,” they are less likely to allocate resources toward finding that individual. The media also tends not to pay as much attention if it is considered a runaway case.⁵¹ Task Force members highlighted Amber Alerts as crucial in sending community-wide notifications of a missing child, yet because Black girls are more likely to be classified as runaways, they do not meet the criteria to warrant an Amber Alert.⁵² A Lieutenant on the Task Force added that, in Minnesota, not every police department has a missing persons unit.⁵³ This dedicated unit offers law enforcement agents resources and time to dedicate to missing person cases that agents without these units do not have.⁵⁴

23. **Suggested recommendations** relating to Violence Against Women:

- Support tribal governments in the development and implementation of Amber Alert programs.
- Ensure law enforcement agencies have adequate resources for dedicated missing persons units, including for Black and Native women and children.
- Provide trainings to law enforcement and other professionals to ensure cases are properly identified and labeled as “missing persons.”
- Conduct culturally appropriate and gender-sensitive training for media and encourage the expansion of media coverage of cases of missing and murdered Black and Indigenous women and children.
- Enact legislation to better coordinate investigations and prosecution of cases between state, federal, and tribal jurisdictions.
- Ensure adequate funding for access to timely sexual assault forensic examinations for Native women.
- Fully implement and fund the Tribal Law and Order Act.
- Provide additional funding for criminal justice and victims services, with input from Tribal communities and organizations.

⁴⁹ Rhea Shinde, *Black Women, Police brutality and the Violence Against Women Act: How Pro- Arrest Policies Facilitate Racialized and Gender Police Violence*, Georgetown Journal of Gender and the Law, 2021, <https://www.law.georgetown.edu/gender-journal/black-women-police-brutality-and-the-violence-against-women-act-how-pro-arrest-policies-facilitate-racialized-and-gendered-police-violence/>

⁵⁰ Written information from Research in Action, 27 April 2022, on file with author.

⁵¹ Written information from Research in Action, 27 April 2022, on file with author.

⁵² Written information from Research in Action, 27 April 2022, on file with author.

⁵³ Written information from Research in Action, 27 April 2022, on file with author.

⁵⁴ Written information from Research in Action, 27 April 2022, on file with author.

VI. Family separations within the child welfare system disproportionately affects children of racial or ethnic minorities, particularly Black and Indigenous children (List of Themes, paragraph 21)

24. In its replies to the 2022 List of Issues, the United States stated in June 2016 the BIA issued a rule aimed at promoting the enforcement of the Indian Child Welfare Act (ICWA). The goal is to “keep families together” by determining the requirements of ICWA in child custody proceeding, clarifying the necessary steps to provide adequate family services, and establishing procedures related to emergency removal of children from their homes.⁵⁵
25. ICWA seeks to provide for the best interests of the child by requiring a high burden of proof, its protections of minor mothers, and its preference of extended family or tribal kins for adoption placement.⁵⁶ Nevertheless, Black and Indigenous children are still disproportionately overrepresented in foster care and in the child welfare system,⁵⁷ which exposes them to trauma, further abuse and the risk of sex trafficking.⁵⁸
26. **Suggested recommendations** relating to Child Welfare:
- Take measures to address the root causes leading to child protective services cases.
 - Undertake studies to monitor the statistics, causes, reasons, and impacts of the loss of child custody, disaggregating it by race and gender.
 - Provide ongoing and culturally specific trainings for those working with families, in consultation with or led by members of the Black and Indigenous communities and organizations that serve these communities.

⁵⁵ Committee on the Elimination of Racial Discrimination, *Combined tenth to twelfth periodic reports submitted by the United States of America under article 9 of the Convention, due in 2017* (June 2, 2021), U.N. Doc. CERD/C/USA/10-12, ¶ 132

⁵⁶ Kathryn Fort, *The Indian Child Welfare Act: Preserving Families Is In Children’s Best Interests*, Harvard Law; Petrie-Flom Centre, May 12, 2022, <https://blog.petrieflom.law.harvard.edu/2022/05/12/the-indian-child-welfare-act-preserving-families-is-in-childrens-best-interests/>

⁵⁷ National Center for Juvenile Justice, ” Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2020)”, http://ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2

⁵⁸ Leticia Smith-Evans, Janel George et al., ”Unlocking Opportunity for African American Girls”, 27 2015, https://www.naacpldf.org/wp-content/uploads/Unlocking-Opportunity-for-African-American_Girls_0_Education.pdf