

November 18, 2016

Committee on the Elimination of Racial Discrimination
c/o UNOG-OHCHR
Office of the United Nations High Commissioner for Human Rights
Palais Wilson – 52, rue des Pâquis
CH-1211 Geneva 10, Switzerland

Dear Committee Members:

The Center for Reproductive Rights (the Center) is a global organization that uses the law to advance reproductive freedom as a fundamental human right. This letter respectfully answers CERD's questions about U.S. civil society efforts to address racial discrimination and to engage with the Committee on those issues.

1. What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?

One of the key issues the Center works on within the U.S. is the way that gender and race discrimination intersect to impede the ability of Black women to maintain overall good health, control their sexuality and reproduction, survive pregnancy and childbirth, and parent their children. Not only does race shape opportunities and outcomes within the U.S. health care system, it also influences underlying determinants of health such as access to housing, education, food, employment, and safety. Since racial inequalities persist across U.S. economic, social and political systems, Black women in the U.S. are often systematically denied the resources, services, and information that they need to fully exercise their sexual and reproductive rights.

Furthermore, maternal deaths and life-threatening pregnancy complications are on the rise across the U.S. For example, maternal deaths have almost doubled in the state of Texas since 2010, resulting in a maternal death rate that is now higher than 74 other countries, including every high income country in the world, as well as countries such as Iran, Kazakhstan, and Libya. Nationally, Black women suffer disproportionately from maternal death and life-threatening pregnancy complications. They are three to four times more likely to die from pregnancy-related causes than white women. The failure of the U.S. to

address the persistent and widespread racial disparities in maternal health violates state obligations to eliminate racial and gender discrimination under CERD articles 2 and 5.

The Center has worked for the past two and a half years on building the capacity, expertise, and resources of Black women, especially those living in southern states where disparities are most acute, to document the impact of maternal mortality and morbidity on Black women and communities and to promote evidence-based policy solutions to address racial disparities in maternal health. In 2014, we established a partnership with the SisterSong Women of Color Reproductive Justice Collective (SisterSong), which works to educate and mobilize Black women around reproductive justice and human rights. We co-authored a report, [Reproductive Injustice: Racial and Gender Discrimination in U.S. Health Care](#), which we submitted as a shadow report for the 2014 CERD review of the U.S. In 2015, we co-founded with SisterSong the Black Mamas Matter (BMM) alliance. The Center is now acting as a Key Strategic Partner to advise the BMM alliance on policy and advocacy, which will focus on ending racial discrimination in maternal health care in the Southern U.S. This group will also mobilize to participate in the next periodic review of the U.S. to CERD.

2. What has been your experience, as civil society, of engaging with CERD to date?

Since 2008, the Center has participated in the past two periodic reviews of the U.S. government by submitting shadow reports and advocating in Geneva during the constructive dialogues. In 2014, the review provided an opportunity to partner with SisterSong to document human rights violations against Black women and to elevate these issues to a global audience. Monica Simpson, executive director of SisterSong, also traveled to Geneva with us for the 2014 review to directly convey the experiences of the communities with which they work, then used this experience as a platform to raise visibility for the issue within the U.S.

The Center has used recommendations from the CERD review of the U.S. in our engagement with other U.N. human rights bodies to encourage the development of clear and consistent human rights standards on reproductive rights. For example, we highlighted the conclusions of CERD reviews in our shadow reports to the Human Rights Committee and to the Committee against Torture and Other Cruel, Inhuman, or Degrading Treatment, urging both committees to reinforce the CERD recommendations in their own concluding observations. We also used them to advocate with member states of the Human Rights Council in the 2015 UPR review of the U.S., leading to a recommendation from Finland

about improving efforts to combat maternal mortality. We have also used the CERD concluding observations to advocate for similar recommendations from the UN Working Group of Experts on People of African Descent and from the UN Working Group on Discrimination against Women in Law and Practice during their official visits to the U.S.

Finally, we have used the concluding observations to reinforce our domestic policy agenda at the state and federal levels, particularly to address the importance of accountability for the failure to remedy persistent disparities. The concluding observations were included in our policy toolkit on black maternal health, [Black Mamas Matter](#), which state advocates use in their work on maternal health.

3. How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?

The Center anticipates that recent political developments in the U.S. could spur efforts to undermine the human rights system and its protections over the coming years. The human rights community will need to have a united front, be strategic, and continue to highlight the rights of the most marginalized communities, including women of color. The Center and the U.S. human rights community are preparing to defend the UN human rights system against attacks by the U.S. government and are assessing how to strategically engage in advocacy in this shifting landscape. As the global authority on racial discrimination, CERD must be vigilant about the use of state power to discriminate against women and people of color. We look to CERD to strongly condemn these attacks, and to thereby lend legitimacy to U.S. civil society's efforts to hold our government accountable to its human rights and constitutional obligations.

We also look to the human rights system to defend the rule of law. To that end, we encourage CERD to foster cohesion with other human rights experts and bodies to clarify inconsistencies and strengthen human rights standards so that advocates can leverage them effectively at the national level. This particularly true regarding reproductive rights, given the lack of consistency across treaty bodies in the standards and a lack of analysis about the impact of violations on the most marginalized women. In particular, we encourage CERD to strengthen cooperation with the Human Rights Committee and the *Committee on the Elimination of Discrimination against Women to deepen these mechanisms' intersectional analysis of discrimination.*

Finally, CERD can maximize its impact – and demonstrate the relevance of the human rights system – by facilitating the sharing of knowledge across states and regions. For example, CERD can increase its efforts to highlight emerging trends in human rights violations as well as protection strategies, and provide opportunities for advocates living in different regions of the world to adapt successful strategies to their local contexts.