**Response to request for inputs on patterns, policies, and processes leading to incidents of racial discrimination and on advancing racial justice and equality**

**The Human Rights Council Advisory Committee**

**Submission Relating to the 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**

**Submitted 10 October 2022**

**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. Somewhere between 64,000 and 75,000 Black girls and women are currently missing in the United States,[[1]](#footnote-2) with the homicide rate double that of other women and girls in the nation.[[2]](#footnote-3) Cases involving Black girls and women stay open, or remain pending, four times longer than other cases on average.[[3]](#footnote-4) Black women and girls are also disproportionately impacted by domestic violence. In 2020, 40% of domestic violence victims in the state of Minnesota were Black, although they constitute less than 7% of Minnesota’s population.[[4]](#footnote-5)
2. There is insufficient attention from both law enforcement and the media to cases of violence perpetrated against Black women and girls, an issue also referred to as “missing white woman syndrome.”[[5]](#footnote-6) In response, Black women find themselves leading the work of addressing violence against Black women and girls and providing support to the victims, families, and community. This is often done with limited resources.
3. Specific services for Black women and girls are under-funded. Despite legislative advances, significant racial disparities exist in ensuring culturally specific, safe, and affordable housing.
4. **Introduction**
5. This submission provides an overview of human rights developments related to violence against women and girls of color in the United States under the lens of the Human Rights Council Advisory Committee’s questionary. The submission intends to provide insights to the Advisory Committee of the issues in the United States and Minnesota.
6. **Definition of systemic, structural, or institutional racism.**
7. At the federal level, the United States does not possess a definition of systemic, structural, and institutional racism. At the state level, The Minnesota State Terms of Equity and Inclusion defines institutional racism as “the ways in which institutional policies and practices create different outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for whites and oppression and disadvantage for people from groups classified as people of color.” [[6]](#footnote-7)
8. Likewise, the Minnesota State Terms of Equity and Inclusion establishes that structural racism consists in “the normalization and legitimization of an array of dynamics—historical, cultural, institutional and interpersonal— that routinely advantage Whites while producing cumulative and chronic adverse outcomes for people of color. Structural racism encompasses the entire system of White domination, diffused and infused in all aspects of society including its history, culture, politics, economics and entire social fabric. Structural racism is more difficult to locate in a particular institution because it involves the reinforcing effects of multiple institutions and cultural norms, past and present, continually reproducing old and producing new forms of racism. Structural racism is the most profound and pervasive form of racism – all other forms of racism emerge from structural racism.”[[7]](#footnote-8)
9. Minnesota also defines cultural racisim as the “representations, messages and stories conveying the idea that behaviors and values associated with white people or whiteness are automatically better or more normal than those associated with other racially defined groups.”[[8]](#footnote-9)
10. **Systemic and Institutional Racism in the United States**

***Racial Disparities in the Criminal Justice System***

1. The United States’ criminal justice system is rooted in systemic and institutional racism. Black women are also subject to other practices by State actors and society such as zero tolerance policies, along with overpoliced and inadequate school environments.[[9]](#footnote-10) As consequence of this, Black women are incarcerated and received more severe sentences than other socio-demographic group in the United States.[[10]](#footnote-11) The incarceration rates of African American women remain higher, although they constitute just 13 percent of females in the U.S population.[[11]](#footnote-12) For example, the incarceration rate for Black women is double that of White women.[[12]](#footnote-13)

***Inadequate housing places and disparities in healthcare place women and children of color at higher risk***

1. Black women and girls often face a lack of access to affordable housing, adequate healthcare, and equitable educational opportunities. According to The State of Minnesota Missing and Murdered African American Women (MMAAW) Task Force, there are no Black women and girl-specific shelters in Minnesota, which prevents Black women and girls from receiving stable housing that is culturally supportive.[[13]](#footnote-14)
2. Women of color are also more likely to go missing, with Black girls more likely to be classified as “runaways” than White girls. This phenomenon is also known as “missing White woman syndrome,” when the disappearances of Black and Indigenous women often less acknowledged by mainstream media than those cases involving White women and children.[[14]](#footnote-15)
3. **United States legal measures to address systemic, structural, or institutional racism**
4. The United States has passed multiple legislative efforts to combat systemic, structural, and institutional racism in the criminal justice system. In 2018, the First Step Act was passed, which provides eligible inmates the opportunity to receive credit for a period of successful participation in a recidivism reduction program. In 2010, the Fair Sentencing Act also reduced the statutory penalties for crack cocaine offenders.
5. The United States Supreme Court has taken measures to address discrimination in juvenile justice.[[15]](#footnote-16) From 2005-2012, the Supreme Court issued a series of rulings that applied categorical bans on punishment schemes for juvenile offenders. More recently, state courts have also taken measures to ban virtual life sentences imposed for non-homicide crimes.[[16]](#footnote-17)
6. The United States also passed the Fair Housing Act in 1968 to protect survivors of domestic violence from housing discrimination.[[17]](#footnote-18)

***Affirmative measures***

1. The U.S. Government is currently implementing multiple programs aimed at providing protection for victims of domestic violence. The Department of Justice’s (DOJ’s) Office on Violence Against Women launched a grant program that assists victims of domestic and sexual violence in their transition to alternate housing facilities. The DOJ partnered with the Department of Housing and Urban Development to allocate a budget for housing victims of domestic violence, sexual assault, and stalking.[[18]](#footnote-19)
2. President Biden has revoked Executive Order 13950, “*Combatting Race and Sex Stereotyping,”* which prohibited federal contractors from providing diversity training and programs in the workplace.[[19]](#footnote-20)
3. The United States has also stated it is committed to “expanding access to quality, affordable health coverage,” releasing an Action Plan in 2020 in partnership with the March of Dimes. The Action Plan aims to reduce maternal deaths and disparities by investing in health care for women, maternal health research, and data collection.[[20]](#footnote-21)
4. In addition, the United States reported to the Committee on the Elimination of Racial Discrimination (CERD) that the State “strongly [supports] diversity in elementary, secondary, and high[er] education.” The U.S. Government reports that it funds and provides various programs through the Department of Education (DOE) to ensure students receive an equitable education.[[21]](#footnote-22) The DOE’s Equity Action Plan promises to invest in resources to help advance civil rights.[[22]](#footnote-23)

***About the effectiveness and enforcement of United States measures***

1. Despite measures to reduce criminal sentencing, Black women continue to receive more severe sentences than any socio-demographic group in the United States, due to zero tolerance policies, over policing, and a lack of access to equitable education and work environments. In schools, Black girls are suspended six times more than their White counterparts.[[23]](#footnote-24)
2. Despite the allocation of resources by DOJ to provide stable housing for victims of domestic violence, those are insufficient. Women of color continue to be disproportionately impacted by insecure housing conditions. Without secure housing, young girls are often forced to resort to sexual exploitation to find and finance housing. Women of color also continue to receive inadequate access to healthcare, facing higher infant mortality rates than White women.
3. Consequently, the continuation of funding and programs to target social disparities are not enough to adequately address the disparities between women of color and White women in economic opportunities, education, housing, healthcare, violence, or incarceration.[[24]](#footnote-25)
4. **The ongoing COVID-19 pandemic has brought to the surface and exacerbated systemic and institutional racism in the United States.**
5. Multiple studies released during the COVID-19 pandemic concluded that the pandemic exacerbated institutional racism in the United States’ labor and healthcare systems.
6. Researchers found that existing health disparities among particular communities may predispose them to more severe symptoms of COVID-19. The study identified diabetes, cardiovascular disease, and pulmonary disease, which disproportionately impact communities of color, place these communities at further risk for severe illnesses related to COVID-19.[[25]](#footnote-26)
7. A report released by the World Medicine Health Policy also found that COVID-19 mortality was higher among non-Hispanic Black populations than the non-Hispanic White population due to the greater proportion of the non-Hispanic Black population holding more jobs labeled as “essential-worker positions.”[[26]](#footnote-27)
8. **Extent of national antiracism policy research with a bearing on systemic racism.**
9. Currently, antiracism policy research is one primary area of research and advocacy among organizations working for social justice. For example, Research in Action (RIA), a “Black female-led, multi-racial and gender-diverse social benefit corporation” uses an Equity in Action model to research solutions to racial equity. RIA’s Equity in Action model focuses on elevating community members as project leaders and forefront their first-hand testimonies to gather information on reported community issues.[[27]](#footnote-28)
10. **Main human rights challenges arising from systemic, structural, or institutional racism in the United States**
11. The United States’ systemic, structural, and institutional racism impedes most people of color’s enjoyment of human rights. This submission presents a non-exhaustive list as an exemplification of the numerous poll:
12. **Incarceration**: Black women and girls are incarcerated at a much higher rate than other socio-demographic groups. According to the American Psychological Association, imprisonment contributes to lasting mental health conditions and substance abuse. In addition, many re-entries and education programs are inadequate to transition people in prison back into society. Consequently, formerly incarcerated people struggle to secure jobs and stable housing.[[28]](#footnote-29)
13. **Educational:** Women of color often receive a higher rate of punitive punishments and racial profiling in the classroom than White women. This higher rate jeopardizes Women of color’s school attendance and ability to obtain a degree.[[29]](#footnote-30)
14. **Housing:** Women and children of color are at a greater risk of homelessness. Seeking secure housing, women might resort to sexual exploitation or be forced to live with abusive partners.[[30]](#footnote-31)
15. **Immigration:** Many immigrants in the United States face restrictions to secure legal status. This precarious status creates a lack of access to basic protections in the workplace, quality of education, or protection by law enforcement. Instead, many immigrants are targeted by federal enforcement and detained without regard for their rights.[[31]](#footnote-32) Many immigrants continue to remain in relationships out of fear that they will be unable to gain legal permanent residency if they choose to leave the relationship.[[32]](#footnote-33) This “chilling effect” compounds on many existing stressors that victims of domestic violence already face.
16. **Recommendations:**
17. The Advocates for Human Rights, The MMAAW Task Force, and Research in Action submitted multiple recommendations in their report “*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”[[33]](#footnote-34)* Several of those recommendations have been listed below.
    1. “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.”
    2. “Ensure law enforcement agencies have adequate resources for dedicated missing persons units, including for Black and Native women and children.”
    3. “Provide [culturally responsive] training [on how to handle the disappearances of women of color] properly identified and labeled as “missing persons.”
    4. “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.”
    5. “Enact legislation to better coordinate investigations and prosecution of cases between local state, federal, and tribal jurisdictions.”
    6. “Provide adequate funding for organizations specializing in providing housing and other resources to survivor victims and marginalized women and children.”
    7. “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.”
    8. “Provide culturally-specific support and resources, [including mental health support] 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.”
    9. “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.”
    10. “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, dress code and other policies.”
    11. “Provide adequate funding for various programs, including specific line items intended to address discrimination and the specific needs of Black and minority women and girls.”

1. National Center for Missing and Exploited Children [↑](#footnote-ref-2)
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](http://dx.doi.org/10.15585/mmwr.mm6628a1). [↑](#footnote-ref-3)
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 [↑](#footnote-ref-4)
4. Violence Free Minnesota. *2020 Homicide Report: Relationship Abuse in Minnesota* [↑](#footnote-ref-5)
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 [↑](#footnote-ref-6)
6. Minnesota State Office of Equity and Inclusion, Minnesota State Terms of Equity and Inclusion, (St. Paul, Minnesota: Minnesota State, September 2021), 19. Also available online at https://www.minnstate.edu/system/equity/docs/Minnesota-State-Terms-of-Equity-and-Inclusion-09.2021.pdf. [↑](#footnote-ref-7)
7. Minnesota State Office of Equity and Inclusion, Minnesota State Terms of Equity and Inclusion, (St. Paul, Minnesota: Minnesota State, September 2021), 19. Also available online at https://www.minnstate.edu/system/equity/docs/Minnesota-State-Terms-of-Equity-and-Inclusion-09.2021.pdf. [↑](#footnote-ref-8)
8. Minnesota State Office of Equity and Inclusion, Minnesota State Terms of Equity and Inclusion, (St. Paul, Minnesota: Minnesota State, September 2021), 19. Also available online at https://www.minnstate.edu/system/equity/docs/Minnesota-State-Terms-of-Equity-and-Inclusion-09.2021.pdf. [↑](#footnote-ref-9)
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 [↑](#footnote-ref-10)
10. 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 [↑](#footnote-ref-11)
11. https://www.americanprogress.org/article/fact-sheet-the-state-of-african-american-women-in-the-united-states/ [↑](#footnote-ref-12)
12. 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/ [↑](#footnote-ref-13)
13. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 11. [↑](#footnote-ref-14)
14. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 22. [↑](#footnote-ref-15)
15. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 7. [↑](#footnote-ref-16)
16. *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460 (2012); *People v. Caballero*, 41 Cal. App. 146 (2012) [↑](#footnote-ref-17)
17. Fair Housing Act, 42 U.S.C. §§ 3601 - 3619, (1968). [↑](#footnote-ref-18)
18. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, ¶ 5. [↑](#footnote-ref-19)
19. *Office of Federal Contract Compliance*, “Revocation of Executive Order 13950,” accessed Sept. 23, 2002, https://www.dol.gov/agencies/ofccp/executive-order-13950, para. 10 [↑](#footnote-ref-20)
20. 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 [↑](#footnote-ref-21)
21. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, . 17. [↑](#footnote-ref-22)
22. U.S. Department of Education, “Department of Education Equity Action Plan,” accessed Sept. 23rd, 2022, https://www.ed.gov/equity. [↑](#footnote-ref-23)
23. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, ¶ 7. [↑](#footnote-ref-24)
24. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 11. [↑](#footnote-ref-25)
25. Alcendor DJ. Racial Disparities-Associated COVID-19 Mortality among Minority Populations in the US. J Clin Med. 2020 Jul 30;9(8):2442. doi: 10.3390/jcm9082442. PMID: 32751633; PMCID: PMC7466083. [↑](#footnote-ref-26)
26. Rogers TN, Rogers CR, VanSant-Webb E, Gu LY, Yan B, Qeadan F. Racial Disparities in COVID-19 Mortality Among Essential Workers in the United States. World Med Health Policy. 2020 Sep;12(3):311-327. doi: 10.1002/wmh3.358. Epub 2020 Aug 5. PMID: 32837779; PMCID: PMC7436547. [↑](#footnote-ref-27)
27. *Research in Action*, “Equity in Action Model,” accessed Sept. 23, 2022, https://www.researchinaction.com/equity-in-action-model. [↑](#footnote-ref-28)
28. American Psychological Association, “Incarceration Nation,” Monitor on Psychology Vol 45, No. 9

    (October 2014), accessed Sept. 23, 2022, https://www.apa.org/monitor/2014/10/incarceration. [↑](#footnote-ref-29)
29. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 18. [↑](#footnote-ref-30)
30. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, para. 11. [↑](#footnote-ref-31)
31. Southern Poverty Law Center, “Immigrant Justice,” accessed Sept. 23, 2022, https://www.splcenter.org/issues/immigrant-justice. [↑](#footnote-ref-32)
32. WomensLaw, “Abuse in Immigrant Communities,” accessed Sept. 23, 2022, https://www.womenslaw.org/about-abuse/abuse-specific-communities/abuse-immigrant-communities. [↑](#footnote-ref-33)
33. The Advocates for Human Rights, The State of Minnesota Missing and Murdered African American Women Task Force, Research in Action, *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*, July 15, 2022, ¶ 28. [↑](#footnote-ref-34)