



**August 23, 2011.**

## **Human Rights Council**

### **Agenda Item 9**

#### **Racism, racial discrimination, xenophobia and related forms of intolerance**

#### **Written Statement submitted by the International Human Rights Association of American Minorities (IHRAAM), an international NGO in Consultative Status (Roster)**

#### **The African American National Minority Remains Significantly Less Well Off Than White Americans With Trends Downward Despite High Visibility of Black Individuals**

Many momentous changes have occurred in recent years that appear to foreground an improvement in the situation of peoples in African descent in the United States, not least the election to the presidency of a Black American, and the appointment to positions of prominence in that administration of other persons of African descent, notably as Attorney General, and within the United Nations diplomatic ranks, as well as within the national media.

However, this heightened visibility of individuals of African descent on the domestic and international stage neither reflects nor ensures an entrenched or ongoing improvement in the overall situation of the African American national minority itself. While historically, the unemployment rate for African Americans has always been higher than the national average, it is presently at Depression-era levels. The most recent figures reported by CBS News on June 19, 2011 show African American joblessness at 16.2 percent. For black males, it's at 17.5 percent; and for black teens, it's nearly 41 percent, almost three times that of the national unemployment average.

According to the National Urban League's yearly report on the State of Black America, this year's findings show not only that black America is significantly less well off financially and health-wise in comparison to white Americans, but that the trend is downward. African-Americans' 2011 Equality Index is currently 71.5%, compared to last year's 72.1%. The decrease was driven by a decline in the economics index, from 57.9% to 56.9%, and the health index, from 76.7% to 75.0%, which the report said was driven by children's health. In addition, in the area of social justice, the equality index fell from 57.9% to 56.9%, the health index from 76.6% to 75%, education from 78.3% to 78.9%, and civic engagement from 102.2% to 101.8%. About 35 percent of black households and 31 percent of Hispanic households had zero or negative net worth in 2009, compared with 15 percent of white households. In 2005, the comparable shares were 29 percent for blacks, 23 percent for Hispanics and 11 percent for whites.

The early Civil Rights struggles in the US ushered in an era of affirmative action in keeping with the obligations laid out by article 2. 2 of the Convention on the Elimination of All Forms of Racism (CERD) which stipulates that "States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms."

However, contrary to CERD article 1.4 which states that these special measures “shall not be deemed racial discrimination”, the United States Supreme Court significantly undercut affirmative action in the landmark Bakke decision.

As the National Law Journal noted, by 2006, Michigan, California, Florida, Texas, and Washington had banned the use of race or sex in admissions considerations, despite the fact that Black percentage of all instructional faculty at the nation’s colleges and universities in 2003 was only 5.3% (while African Americans number over triple that percentage of the national population). The U.S. Department of Education reported in 2008 that Black faculty accounted for 5.4 percent of the total faculty at all degree-granting institutions, demonstrating that African Americans are making snail-like progress in winning greater faculty positions. More than a quarter-century ago, in 1981, blacks were 4.2 percent of all faculty in higher education, according to the Journal of Blacks in Higher Education. As the results released in August, 2011 of a recent college-admission test in the state of Illinois show, while 23 percent of whites were ready for college, the percentage of blacks that were ready was only 4 percent, less than one quarter of that figure.

Despite this, the current and only Black Justice on the US Supreme Court opposes affirmative action on these same internationally illegal grounds of “reverse discrimination”.

Clearly, adequate advancement of the African American national minority has not yet been achieved, and therefore the CERD Article 1.4 stipulation authorizing the cessation of special measures “after the objectives for which they were taken have been achieved” is not applicable.

To date, the United States has failed to enact the necessary or sufficient measures to secure the equal status of African Americans in American society. Further action is incumbent upon it to fulfill its international legal obligations as it relates to the nondiscrimination rights of African Americans as protected in the Convention on the Elimination of All Forms of Racial Discrimination.