



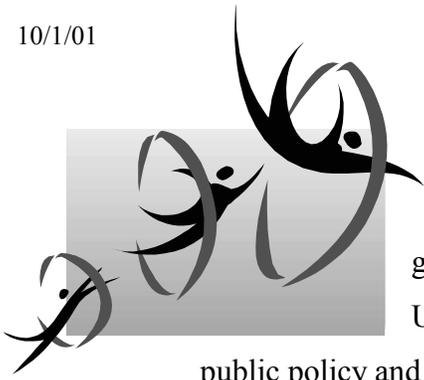
Compliance with Article 5: Economic Social and Cultural Rights Under the International Convention on the Elimination of Racial Discrimination

A Report on US Government Compliance with ICERD
Submitted to the Committee on the
Elimination of All Forms of Racial Discrimination on

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The Human Rights Project

The Human Rights Project of the Urban Justice Center (HRP) is a non-governmental, anti-poverty organization located in New York City, New York, USA. HRP is dedicated to strengthening a human rights based approach to public policy and social justice activism with particular attention to the intersections of race, gender and poverty. HRP uses a human rights framework to promote a higher standard of government responsibility and accountability in regard to meeting the basic needs of those living in the United States. Within the area of economic, social and cultural rights, we document, monitor and report on violations. Based on our findings, we engage in advocacy, organizing, education, and technical assistance.

New York City Human Rights Working Group

The New York City Human Rights Working Group (NYCHRWG), spearheaded by the Human Rights Project, is a consortium of grassroots racial and economic justice groups and human rights organizations. The mandate of the group is to report on US compliance with ICERD in preparation for their review before the committee. The following is list of the groups that participated in the NYCHRWG.

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|---|---|
| American Indian Law Alliance | Human Rights Watch, International Gay and Lesbian Human Rights Commission |
| Asian American Legal Defense Fund | Imani House Fox House |
| Audre Lorde Project | International Anti-Poverty Law Center (IAPLC) |
| Center for Economic & Social Rights | International Human Rights Law Group (IHRLG) |
| Central Brooklyn Partnership | South Asian Lesbian and Gay Association |
| Columbia School of Public Health, Law & Policy Center | Urban Mindz |
| CUNY Law School, International Women’s | Women’s Institute for Leadership |
| Harlem Community Justice Center | Development for Human Rights (WILD) |
| Human Rights Clinic | |



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Table of Contents

Executive Summary	4
Introduction	6
General Analysis of the US State Report	7
Economic Social and Cultural Rights and ICERD	9
Race and Poverty	12
Employment	18
Public Benefits	25
Education and Discriminatory Practices	31
Health Status of Minority Women	45



Executive Summary

Violations

- State and federal rollbacks of Affirmative Action programs seen across the country in education and government contracts is a clear violation of Article 2(2), particularly because the objectives for which they were originally intended have not been realized.
- In light of research and statistics proving welfare reform has a disproportionate negative impact on the economic and well-being of ethnic/racial minorities, the US is in direct violation of Article 5(a),(e)(i)(iv)(v).
- The US is in violation of Article 5(e)(iii) due to extremely high rates of HIV-AIDS infection of racial/ethnic minorities. The government has an obligation to use all available resources to combat this crisis. Funding for minority targeted HIV-AIDS funding is unacceptably low considering the disproportionate number of racial/ethnic minorities who are infected.
- Zero Tolerance disciplinary policies in the public school system have been found to be implemented and carried out in a discriminatory manner, which effectively violate the right to equity before the law and are in violation of Article 5(a).
- Less than 50 years ago the US public school system was officially segregated. Although segregation is now illegal, defacto discriminatory policies and practices persist and continue to segregate the US school system. General Recommendation 19 invites State parties to monitor all trends which can give rise to racial segregation, to work for the eradication of any negative consequences that ensue, and to describe any such action in their periodic reports. While the US mentioned continued segregation in the school system in its report, recent court rulings that weaken desegregation policies put the US at risk of being in violation of Article 3.



Questions for the US Delegation

- How will the current administration meet its obligations under Article 2(1)(c) and take effective measures to review governmental, national and local policies, and to amend them were needed, for discriminatory impact?
- What policy changes will this administration propose for welfare reform reauthorization in 2002 to bring the program into compliance under ICERD and nullify its negative disparate impact on ethnic/racial minorities and children?
- Despite continued efforts to increase educational outcomes for minority students, little progress has been made. What programs will be carried out through the Department of Education that will focus primarily on eradicating gross gaps in minority-white educational outcomes?

Recommendations

- ICERD General Recommendation 17 recommends that State parties establish national commissions or other appropriate bodies to promote respect for the enjoyment of rights set out in Article 5. It is our recommendation that the US federal government create such a body expressly for this purpose. This institution would have in its name reference to the International Convention on the Elimination of All Forms of Racial Discrimination as a means to educate the public on its existence and clearly mark its purpose. This body would be comprised of both Office of Civil Rights staff and racial justice advocates. Establishment of such an institution or task force would fulfill obligations under ICERD Article 2(1)(c).
- Recognizing that racial/ethnic minorities in the US suffer disproportionately from poverty and associated health risks, it is critical that the federal government increase funding and improve the administration of social services, particularly services under Temporary Assistance for Needy Families (TANF) legislation.
- Because human rights are not as well known as civil rights and the International Convention on the Elimination of Racial Discrimination was just recently ratified by the US, it is our recommendation that the office of the President issue an executive order clarifying states' obligations under ICERD and urge them to review their policies and practices for racial/ethnic discrimination.



Introduction

1. The New York City Human Rights Working Group welcomes the first report submitted by the United States of America (US) to the Committee on the Elimination of All Forms of Racial Discrimination (CERD). The collaborative spirit and content of their report demonstrates some exciting first steps the US is taking to ensure compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It is our hope that the new Presidential Administration will continue to strengthen efforts to examine and work towards challenging the causes and effects of racial discrimination in the US as they are articulated in ICERD.
2. The overall goal of this shadow report is to provide the Committee with supplementary information regarding the state of economic, social and cultural rights (ESC) as they are covered under Article 5(e) of ICERD. Specifically, we will examine employment, health care, education and public welfare benefits within the context of poverty. The geographic focus of this report is primarily upon New York State and City compliance with ICERD. National information will be provided as it relates to State and City issues. This report will also be used as a tool to continue monitoring ICERD at the local level.
3. Given that men and women of color experience poverty differently, this report will give an intersectional analysis of race, gender and (human) poverty to the extent that data is available. Due to the general lack of disaggregated data by race, disparate impact is of particular concern in our examination as this is the context in which economic, social & cultural rights violations most often occur. In conjunction with data inadequacies, these violations are particularly difficult to monitor within a governmental system that is constitutionally based upon civil and political rights and state governance.



General Analysis of The US State Report

4. Although comprehensive in many respects, overall, the US State Report is deficient in its analysis to fully measure compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. The inadequacy stems from a combination of the following factors: 1) a focus on only civil and political rights, 2) a devaluation of the role disparate impact plays in regard to racial/gender discrimination and poverty, and 3) a lack of intersectional analysis that examines race, gender and poverty as they directly relate to economic, social and cultural rights.
5. The US State Report focuses almost entirely upon the civil and political aspects of ICERD compliance making only passing mention that economic, social and cultural rights are not recognized constitutionally (US paragraph 234).
6. When economic, social and cultural rights are mentioned in the US report, solutions to violations in this area are addressed not through a commitment to strengthen these rights, but rather by using the civil and political rights available, namely through the legal system.
7. Given the increased privatization of public services and programs in both the for-profit and religious sectors, it is increasingly important that the government considers itself ready, willing and able to intervene in regard to private conduct beyond what is currently “mandated by the Constitution and law of the United States” (US reservation (2) under ICERD).
8. Over the past several years there has been an incredible push to increase funding to private, faith-based organizations that provide social services. The cornerstone of these faith specific funding streams is the deregulation of how services are provided, primarily within the areas of health, safety, and hiring practices. A Texas non-governmental organization monitoring faith-based contracts reports that there was a 50% increase of



neglect and abuse for clients of those organizations. In the area of the billion-dollar industry of welfare privatization, state and local governments have proven slow and ineffective to evaluate the efficacy of privately run programs and to respond to private company's fraudulent expenditures. To our knowledge there are no comprehensive studies looking at racial discrimination within the privatization of social services.

9. The US Report states in paragraph 71(a) that “[t]he persistence of attitudes, policies and practices reflecting a legacy of segregation, ignorance, stereotyping, discrimination and disparities in opportunity and achievement” is one of the causative factors effecting implementation of ICERD.
10. It is important to note that less than 40 years ago racial discrimination was legally sanctioned by the US government. Civil Rights Legislation is relatively new compared to two centuries of racial segregation and discrimination. Many, if not most, politicians in office today grew up in a time when discrimination was the norm.
11. In light of the fact that holding political office does not make an official immune to “persistent” racist/sexist attitudes, our legislators and public officials are equally subject to having these attitudes. This being said, it is clear that laws and policies are needed to facilitate change and bring about effective remedies, rather than wait for changes in attitudes.
12. Paragraph 180 the US report attempts to satisfy its obligations under article 2(1)(c) by pointing to the legislative and administrative processes in place and lists numerous government departments as responsible for these processes. The Office of Civil Rights has a mandate that provides some scrutiny of policies for discriminatory impact but most federal and state departments mentioned are not responsible for ICERD compliance.
13. Paragraph 248 in the State Report does not mention plans of increased funding or permanent authorization of economic security programs such as cash and food assistance,



housing, or education. Since the 1980s there has been an overall decrease in funding for all of these programs.

14. Keeping in mind the limitations mentioned above, there is virtually no governmental data collected with the express purpose of examining the intersection of race, gender and poverty. There are governmental reports that focus on each of these specific characteristics individually, and with some overlap, but they are not sufficient for an in-depth review. In many cases when gender is mentioned in governmental reports, it is only done so secondarily or within the context of family status. Further, data collection and analysis performed on the national level is not replicated on both the state and local levels, making comparisons difficult if not impossible to make.
15. While one can begin to get a sense of intersectionality through the data that does exist, it is only a glimpse and not sufficient for thorough problem/violation identification or for monitoring purposes. This limitation is a great obstacle in regard to being able to identify and evaluate solutions or remedies to problems/violations.

Economic Social and Cultural Rights and ICERD

16. The federal government has never guaranteed economic, social and cultural rights. Nor has its highest court, the Supreme Court, recognized equal access to public benefits and services although these benefits were created through the legislative branch of government. The “Supreme Court has held that the US government has no affirmative constitutional duty to create the conditions necessary to protect social and economic rights.”¹
17. Where state courts have recognized disparate impact in regard to the Fair Housing Act (US Report paragraph 235), the US Constitution only protects against intentional discrimination, not de facto discrimination². The recognition of disparate impact in regard to housing is a step forward, but it only covers one important aspect of ESC rights



and it only exists on the state level. These same provisions do not exist for education, health, or welfare.

18. Along with state court decisions a number of individual states have legislated, to varying degrees, aspects of economic, social and cultural rights that include welfare, affordable housing, health benefits, and abortions.³ For example, Article 17 of the New York State Constitution mandates its responsibility to provide “aid, care and support for the needy” to be determined by the legislature. New York City even has a “right to shelter” law. In the big picture however, with out federal support, these laws are left incredibly vulnerable and are open to persistent attack, which has been the case for NYC’s “right to shelter” law.

19. The ESC rights cases argued before the Supreme Court have involved the Equal Protection Clause under the 14th Amendment of the Constitution the same Amendment used by civil rights lawyers challenging discrimination within the area of civil and political rights. Although people of color are over represented in poverty, a lower level of scrutiny (the “rational basis standard”) is used to test for discrimination in cases of ECS rights. The outcome of these cases using a lower level of scrutiny to test for discrimination has actually resulted in the denial of equal protection, and thus access, to cash benefits, adequate housing, and education.⁴

20. In paragraph 180 of the US State Report the claim is made that economic, social and cultural rights are fulfilled through the realization of civil and political rights. Responding to ICERD Article 2 (1) (c), the report states that “[t]he United States satisfies the policy review obligation of Article 2 (1) (c) through this nation’s legislative and administrative process, as well as through court challenges brought by governmental and private litigants. US law is under continuous legislative and administrative revision and judicial review.” In reality, Equal Protection under the 14th Amendment does not protect these rights and in fact does just the opposite by relegating people living in poverty, who are disproportionately people of color, to the lowest level of court scrutiny.



21. In the end, Supreme Court case law gives full discretion to the legislature to determine if, at all public benefits should exist.⁵ Hence the US is clearly unwilling to acknowledge any responsibility in this area and their response to CERD on the issue is disingenuous. This is true especially in light of the fact that there exists indisputable, persistent and growing economic inequality between whites and minorities, especially in the lives of women of color and children.
22. The absence of ESC rights on the constitutional level is contrary to the spirit that all human rights are equally important and indivisible. In his January 1995 report, Special Rapporteur Mr. Maurice Glélé-Ahanhanzo made a recommendation (#11) specifically about this issue where the US was urged to acknowledge the “indissoluble link between civil and political rights and economic and cultural rights.”⁶
23. In the global context, the US is the only “industrialized” country that has not ratified the International Convention on Economic, Social and Cultural Rights (ICESCR). Considering the United States is the richest country in the world, resistance to economic social and cultural rights is clearly not an issue of resources, rather it is a matter of political will and inflexibility rooted in a long legacy of socio-economic and political racism/sexism.
24. There are other instances where specific ESC rights are not even mentioned in the US State Report. For example, there is no mention of how the right to social services is being fulfilled. This is an outright denial of the rights articulated in Article 5 (e) of ICERD.
25. The lack of commitment to ESC rights is further affirmed through the US Reservations, Understandings, and Declarations under ICERD, specifically the reservation related to Article 5 and the declaration of ICERD not being a “self-executing treaty.”



Race and Poverty

26. Contemporary poverty, particularly in developed countries, is a complex and multi-layered problem. What is known, especially in the United States, is that economic marginalization/poverty is deeply connected to racial discrimination both de jure and de facto. For more than three centuries racist policies and practices have been the norm in the United States and have shaped the social and economic structures.
27. It has been no more than half of a century since the United States has systemically tried to remove racist policies from the books. While legal action and the changing of laws have done a lot to advance the lives of racial/ethnic minorities in the US, it has not been enough to halt the bigotry transmitted across generations.
28. A study by the International Council on Human Rights on Racial and Economic Exclusion and its Policy Implications states that “to some extent racial discrimination and stigma always imply economic discrimination.”⁷ This same report described America as having severe inequalities between rich and poor. What many racial/ethnic minorities living in developed countries face, is not legally sanctioned discrimination but unequal reward for identical work and service and unequal access to services and resources needed for long-term development of communities and individuals. In addition these groups face continued stigmatization and social dislocation. Among the salient issues of stigmatization is the informal exclusion of these groups from opportunities that are afforded the majority such as- recommendations for school and bank loans, information about employment, business contracts and negotiations.
29. This is not to say that racial/ethnic minorities in the United States have not achieved a degree of economic and social advancement in mainstream culture. But the nature of



racial discrimination and economic marginalization is that *as a group* they are significantly prevented from achieving their potential.

30. Unequal access to schools, housing, higher education, health care, and social services results in less skilled, less mobile, less healthy and poorer communities. As a developed country, discrimination and economic marginalization is experienced in subtle and covert way, however it is important to note that the economic gap between dominant groups and the minority groups has not closed and in most cases is widening.

Poverty Rates

31. The current federal government measure of poverty and poverty thresholds determined by the Census Bureau underestimate the number of people living in poverty because the methodology is outdated (i.e. does not reflect relative prices of items that families consume; are not adjusted to reflect improvements in standards of living; has not kept up with public opinion; no adjustments for geographic differences)

[www.epinet.org/issueguides/poverty/povertyfaq/html]

Poverty in the United States 1999

	Black	Latina/o	Asian Pacific Islander	White Non- Hispanic
% in poverty	23.6	22.8	10.4	7.7
% of population	13	12	4	71
% within total population living in poverty	25	23	.3	50

Poverty in The United States 1999, Current Population Reports, US Department of Commerce



Percent of Families Living in Poverty in the United States

	Black	Latina/o	Asian Pacific Islander	White Non- Hispanic
Married	7.1	14.2	8.1	3.3
Female (no spouse)	39.3	38.8	23.1	18.6
Male (no spouse)	14.7	16.8	11.3	9.3

Poverty 1999, US Census Bureau

32. Black elderly women are more than three times as likely to be poor than their white counterparts, followed by Hispanic women who are twice as likely. In 1996, 74% of the elderly poor were women.⁸
33. Although poverty rates have declined nationally these figures obscure the fact that white families experienced more gains between 1997 and 1999 than either black or Hispanic families.⁹
34. Between 1997 and 1999 well-being among white families improved in five out of seven indicators-family income, food hardship, family structure and health insurance. Black families realized gains in ONLY one indicator-employment.
35. Despite increases in employment rates of low-income black adults and black parents from 1997 to 1999, poverty rates of black families remained unchanged. Significant employment gains are most likely tied to changes in the economy rather than social policy changes such as welfare reform.



Poor and Low-Income Non-elderly by Race

%	Black	Latina/o	White	All Races
Below 100% of poverty line in 1998	27	26	8	13
Below 200% of poverty line in 1998	50	56	24	31

1998 National Survey of American Families

Child Poverty Rates by Race for 1998

%	Black	Latina/o	White	All Races
Below 100% of poverty line in 1998	36	34	10	18
Below 150% poverty line in 1998	13	17	4	8
Below 50% of poverty line in 1998	52	52	18	29

US Census Bureau, March Current Population Survey

36. The poverty rate for blacks and Hispanics is twice the national average and is 20 percentage points higher than the national average for those living in low-income families.
37. Child poverty rates for children of color is alarmingly high. The poverty rate of black and Hispanic children is much higher than the poverty rate of white, non-Hispanic children.



38. When broken down by married couples and female-headed households the gaps are consistent. The poverty rate for children living in a white married-couple household was 5% compared with 12% for blacks and 23% for Hispanic. In female-householder families with no husband present the rates are 33% for whites, 55% for blacks, and 60% for Hispanics.

Food Insecurity

Food Insecurity by Race from 1997-1999

%	Black		Latina/o		White		All Races	
	97	99	97	99	97	99	97	99
Below 200% of poverty line	57	56.3	56.1	53.9	43.3	38.4	49	45.6
All incomes	39.4	40.1	43	40.6	19.9	17.1	25.6	23.2

39. The United States Department of Agriculture (USDA) reports that black and Hispanic households are almost three times more likely to go hungry than white households. Although food insecurity declined significantly nationally this number was driven solely by statistically significant declines in food insecurity for whites.
40. A two month federal inquiry into New York City's welfare program found that city officials routinely violate the law by denying poor people the right to apply promptly for Food Stamps. The report by the United States Department of Agriculture states; "substantial noncompliance with the Food Stamp Act and regulations has gone undetected and unaddressed at the local level." The report also highlighted the city's failure to adequately screen families for emergency needs and mistakenly requiring the poor to search for work before receiving help. (New York Times, "US Audit is Said to Criticize Guliani's Strict Welfare Plan," 1/20/99, Rachel Swarns and New



York Times, “State Officials Add to US Criticism of NYC Food Stamp Program,” 1/21/99, Rachel Swarns).

41. Food stamp participation decreased for black (8.5%) and Hispanic (7%) households yet increased for white (2.3%) households between 1995 and 1997 (HNA)
42. 4/5 of legal immigrants surveyed nationwide in 1998 were food insecure, seven times the rate of the general population. Legal immigrant households are 10 times more likely to go hungry than general households.
43. Poor families may still lack sufficient resources to provide for basic needs. In New York, 223,000 families lived with incomes between 100% and 150% of the poverty line. Most (88%) of these near-poor families had a worker, and 58% had a full-time, year-round worker. Another 155,000 non-elderly families and individuals without children were near-poor and 92% of these families included a worker.
44. The rich are getting richer and the poor poorer. The Fiscal Policy Institute of NYS found that “NYS is the only state in the union with one of the 10 highest poverty rates and one of the highest per capita income levels.” More than 3 million New Yorkers live in poverty, 16.6% of the population, or one in six New Yorkers, despite the fact that NY had the 4th highest per capita income of any state in the nation in 1997.
45. The taxation system exacerbates poverty. In its entirety, the NYS taxation system is regressive, where the lowest income quintile pays 16% tax on their earnings where the top 5th only pays 10%. Tax cuts enacted in 1995 provided the richest 20% with 65% of the savings from the cut where the lowest 20% received only .4%.
46. NY has failed to use 1 billion in federal welfare funds and has actually used federal welfare funds to balance the budget (\$760.9 million), essentially serving a “fiscal relief” for revenue lost through tax cuts enjoyed by the State’s wealthier residents.



Remedies

47. Provide constitutionally guaranteed economic security system that ensures non-discriminatory access to resources and social services including- food, education, health care, employment, housing and other social services.
48. Provide and disseminate accurate statistics disaggregated by both race and gender and make widely available.
49. Adopt more aggressive affirmative action measures as articulated in Article 1(4) for access to higher education and high level governmental posts.
50. National programmes implemented at the state and local levels should be aimed at eliminating racist prejudices (*not promoting “color-blindness”*) and be undertaken in the areas outlined in Article 7, particularly acknowledging historic and current discrimination in US History curriculum and teaching.
51. Increase the federal poverty rate based on current cost of living.

Employment

ICERD Article 5 (e) (i) and (ii)

(i) “The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration”

(ii) “The right to form and join trade unions”

52. The reason people live in poverty is because they do not have money and/or access to the means with which to earn it. As obvious as this may sound, it is important to declare this fact because people are often personally blamed for not being able to find a job or one that pays enough. Rarely is the greater economic circumstance found at fault regardless of the fact that there aren’t enough adequately paying jobs for those who want one.



53. The legacy of slavery and other systems of economic exploitation in the US are the foundation upon which our economic system was built. Both the economy and labor market evolved and prospered on the backs and lives of those who were forced to work without any or fair compensation. This was how our country was built. Our current economic system is in many ways still rooted in this framework and is still dependent upon free or cheap labor. For example, common in the debates related to minimum wage increases or recognizing “women’s work” (care giving and homemaking) is the cry that the economy would be destroyed, it would crash if everyone were rewarded a fair wage. Without question, our economy would shift significantly if everyone were rewarded adequately and equally for the work they perform. Given that the shift would result in less profit and earnings for the upper economic strata it seems that what is meant by the “destruction” of the economy would be the dismantling of a system that allows a numeric few to economically benefit by the work of the majority. Although difficult, it is this discussion we need to have, guided by human rights principles and standards, if we are to seriously discuss racial, gender and economic equality.
54. The US State Report stated that trade has had a positive impact on employment (paragraph 351). While this may be true for the top economic quintile, it is not for those in the middle or bottom. The North American Free Trade Agreement (NAFTA), the largest and perhaps most far reaching trade agreement made within the last decade has resulted in astounding net job loss. The Economic Policy Institute and other groups monitoring the impact of NAFTA found that almost 766,000 jobs have been lost across the nation and 46,000 jobs have been lost in New York State.¹⁰ These figures do not include secondary job loss from shops, businesses and services that had been reliant upon the workers for their livelihood. Trade has in fact been argued to be the primary impetus behind the growing service sector, which generally pays minimum wage and offers no real room for advancement or permanency. With the globalization of the economy and shifting of the labor market across borders, it has become increasingly important to include trade in economic and employment



discussions, and must certainly include an analysis of how this impacts racial and gender equality.

Working Poor

- 55. People of color are over represented in the working poor population. This is due to the segregation of people of color in low wage jobs and also to pay inequity. This calls for positive measures by the state to ensure substantive equality in these areas. US anti-discrimination measures (as described in the US state report to the ICERD) do not go far enough to ensure racial justice in the labor force.

Percentages of Working Poor Families with Children (1995-97)

	US	New York State
White	45.4%	38.2%
Black	23.1%	25.6%,
Hispanic	27.1%	29.5%
Other	4.4%	6.7%.

Fiscal Policy Institute of New York State

- 56. Half of all women who work fulltime make less than \$22,000 per year.¹² African American women earn 63% of white man’s dollar, Latinas earn only 57 percent.¹³
- 57. All wages in New York State are below the 1989 level and earnings for low wage workers and have actually decreased by over 5%. The number of working poor families in NYS has almost doubled over the past two decades.¹⁴ An individual working full time earning the minimum wage earns only \$10,700 which is below the federal poverty line for two people. In NYC, this salary would leave just \$800 at the end of the year after paying annual fair market rent for a two bedroom apartment in New York City.¹⁵
- 58. Median income in across the country has increased by 4.6% from 1989-1998, yet for New Yorkers it has remained stagnant.¹⁶ Women make up 3 out of 5 of the minimum



wage workforce. New York State has the lowest minimum wage of all the higher wage states in the country. Unemployment rates have decreased without relative decreases in poverty. In fact, food and housing difficulties have gotten worse.

59. In 1997 and 1998, black and Hispanic workers in NYS earned much less than the median wage. Hispanic males in NYS earned just 68% of the median and black males earned 83%, while their white counterparts earned 113%. Black females earned 91% of the median wage while Hispanic females earned 79% while white females earned 105%.²³
60. Workers in NYS experienced significant wage declines from 1989 to 1998 unless they held a college degree or higher; declines for all educational classes and both sexes were even more severe in NYC than at the state level. Independent of their educational attainment, individuals across racial-ethnic categories experienced very different wage levels. Black males with some college education earned less than white males with just a high school degree. Males who were black, Hispanic and of other racial-ethnic categories earned significantly less than the median wage received by white males for the same educational attainment. Hispanic women and women of other racial-ethnic groups with college or greater education and high school or less education also earned significantly less than the median, although the differences between racial-ethnic groups were less extreme than for males.²⁴

Unemployment

61. While general unemployment among people of color is down, this does not mean that discrimination and exploitation have decreased. In fact, domestic structural adjustment programs (like cutbacks in civil service jobs and welfare reform) plus general labor market trends (like the expansion of the low-wage service sector) have in fact increased the exploitation of people of color. For example, anti-discrimination and affirmative action policies within the civil service sector have made this labor market one of the primary venues upon which people of color have been able to rely in order to step up into the middle class; this is especially true for women. Cut backs



in these jobs severely limit this opportunity as these protections are not guaranteed in the private sector.

62. There is a basic lack of living wage jobs in urban communities of color, where unemployment rates are as much as 3 times national average. Even if national trends show decreasing rates of unemployment for people of color, this does not mean that violations of the right to work do not persist in local communities of color where other factors such as lack of transportation and childcare exist a obstacles to secure employment. This is especially problematic in New York State where low wage industries are among the fastest growing, adding more than half of all new jobs during the state's economic boom. Low wage industries are defined as having annual salaries less than \$29,112.²⁶ Fewer high paying jobs and more low paying jobs increases competition for the latter where educational level plays an even greater role in job qualification, even if it is entry level. Due to discriminatory practices in the education system, people of color will most likely lose out in the equation since they have fewer resources with which to compete.
63. Rates of unemployment and underemployment for young adults with a high school diploma or less are much higher in NYC than in the nation as a whole. Blacks experienced far higher levels of both un- and underemployment regardless of gender and level of education.²⁷ In the Harlem section of New York City, a historic African American neighborhood, the ratio of available jobs to applicants was 1 to14.²⁸
64. New York State's unemployment rate for the first half of 1999 was 5.4% compared to the national average of 4.4%. Black men in New York experienced far higher unemployment (12.5%) compared to white men (4.0%). Black and Latina women had unemployment rates 3 times higher than the 3.8% white female unemployment rate.²⁹



65. In New York State, 10.2% of the workforce was underemployed in 1998 compared to 8.5% nationally. Black men in New York City had an underemployment rate of 20.3, more than twice the underemployment rate for all men. Latina women had the next highest rate at 19.3%, and black women had an 18% underemployment rate. These rates suggest that job growth has not been sufficient to keep up with workers' needs, and specifically workers of color.³⁰
66. Another factor negatively impacting the employment and wages of all workers is a rise in the unpaid workforce. Contrary to all aspects of the right to work articulated in ICERD, the US government legislated the creation of a free labor market. This occurred with the passage of federal welfare reform in 1996 where the majority of those living in poverty who receive welfare benefits are required to work off the amount they receive (workfare). Economists have found that the presence of such a large free labor market will, and has, served to depreciate the wages of everyone. The workfare program not only lowers wages, it also de facto replaces union jobs. For example, in NYC, the city government who is the largest "employer" of workfare workers has filled 1/3 of its Sanitation Department and 2/3 of its Parks Department with unpaid workers. Workfare workers are performing jobs once done by union paid workers minus equivalent health, safety or benefit provisions. Workfare workers receive between \$5,000-\$12,000 per year "working" for the city performing the same jobs of civil servants who earn/ed \$20,000-\$40,000 per year.³¹
67. Another area where labor rights are violated in New York City is the apparel industry, which is NYC's largest, worth \$20 billion. There are between 7,000-7,500 factories in NYC, most of which are located in immigrant communities of color. The Department of Labor estimates that over 60% of them are sweatshops, even though all but 10% are unionized. Women of color comprise the majority of sweatshop workers (60-90%), most of whom are Chinese and Latina.³²



68. Wages in the NYC garment industry fell throughout the 90s. In Chinatown, wages fell 30% over the last half of the 1990s. Although the federal minimum wage is \$5.15 per hour and the union's minimum wage ranges from \$6.72-\$8.15, garment workers earn anywhere between \$2-\$6 dollars per hour. A typical workweek is 6-7 days, 10-12 hours per day. A strategy used by apparel factories to avoid paying for or being held liable for health, safety, and wage violations is to close down the factory, then set up again under a new name.³⁴
69. Discrimination in the workforce continues to disadvantage people of color. A 45 State study that interviewed employment service providers found widespread discrimination against welfare recipients based on race and ethnicity.³⁵ Discrimination based on previous incarceration is also problematic for people of color. Over one-third of all young black men and a majority of young black male high school dropouts are involved with the criminal justice system at any point in time. The vast majority of employers state a reluctance to hire young men with criminal records and since employers may often not be sure who is or is not an ex-offender, they may tend to penalize and entire class of potential workers (i.e. young black males)

Remedies

70. Increase the federal minimum wage and base it on geographical and realistic cost of living variations including housing, food, healthcare, transportation, care giving costs, and utilities.
71. Include monitoring systems to ensure compliance and strong sanction provisions for employers who do not comply, with particular attention to sweatshop factories.
72. Create a federal public works program guaranteeing paid employment for every US resident unable to find wage work.



73. Close the wage gap between men and women of color and whites. Enact stronger enforcement mechanisms ensure wage equality.
74. Recognize the full range of “women’s work” including care giving and home making. Expand worker benefits and rewards to include this category of work, such as earned income tax credits and social security.
75. The US should not become party to any bi/multilateral trade agreements nor trade organizations that do not have within the body of the main negotiating text enforceable human rights standards. These human rights standards should include all rights articulated by the United Nations as well as Programmes of Action from relevant world conferences and summits.

Public Benefits

ICERD 5 (e) (iv) The right to public health, medical care, social security and social services

Note: Public benefits and welfare are used interchangeably and refer to “social security and social services” in their broad sense, not as they are necessarily defined in the US

Background

76. With federal and state governments combined, the US has witnessed the development of a variety of social welfare programs that cover a broad range of basic human needs, such as cash, food, housing and medical assistance. These, plus other social service programs can be viewed as the US setting a precedent that federal and state governments are in fact responsible for the distribution of resources that enable residents to fulfill their basic needs. That the US does not recognize this obligation through national or international laws however, is the reason we cannot depend on those programs existing at all, let alone as rights, or ensure that they are equally available to everyone without regard to race or gender.



77. The history of public benefits has always been intertwined with racism and sexism, often cloaked in notions of the “deserving” and “undeserving” poor based on moral rectitude and “middle class” values (i.e. the experiences, perspectives and ideologies of whites, and specifically, white men). These trends are historically clear in the stated goals of public benefit programs, their arbitrary eligibility rules, and their punitive implementation. The result has been that people of color have had little, inconsistent, and unequal access to governmental public benefit/social service programs. When access is possible, service recipients, and particularly people of color, are often treated with contempt.
78. Public benefits were first legislated on the federal level by President Roosevelt in the 1930s via the New Deal. People of color, and blacks specifically, were excluded from being able to receive benefits through de facto policies that prohibited the eligibility of domestic and agricultural workers. At the time, the vast majority of blacks worked within these fields and were thus excluded from the program. This same kind of racist and sexist de facto exclusion from public benefits persists to this day, albeit within a different economy.
79. It wasn't until the 1960s that people of color had gained access to welfare benefit programs, one of the hard won victories of the 1960 era civil rights movements. The 60s and 70s saw an expansion of the federal welfare state and a correlative decrease in hunger and poverty.³⁷ This changed during the 80s when President Reagan began decentralizing government programs by transforming a once federally run program into a state run block grant program where a lump sum is given to participating states who then have the authority to develop the program as they wish (there were/are federal guidelines for block grant programs, however they generally only articulate minimum requirements).
80. As more and more programs became decentralized during the 1980s and 1990s racist and sexist stereotypes again took center stage in shaping public perceptions about



public benefits. This spurred the “end welfare as we know it” campaign echoed by almost every public official from local municipalities all the way to the White House. Based on racist and sexist stereotypes, the idea of the (black and un-wed) “welfare queen” along with her “lazy” boyfriend getting a “free ride” off the system was no longer politically tolerable. This rhetoric was at the base of the 1996 federal welfare reform.

81. We can never underestimate the power of stereotyping in the world of law and policy making. After all, it is “the public” who have these perceptions, who vote officials into office. Recent polls cited by the Poverty & Race Research Action Council found that whites felt that African Americans “are less likely than whites to prefer to be self-supporting” and in another poll, where the majority of respondents were white, respondents felt that “lack of effort was to blame for people being on welfare and that most welfare recipients did not really want to work.” Almost half of respondents think that the majority of people receiving welfare are black.

82. This federal reform entirely dismantled one of our most important public benefit programs. It took away the entitlement aspect of welfare, introduced lifetime time limits (5 years for families, 2 years for singles), excluded entire classes of legal immigrants, and in some states, permanently disqualified drug felony offenders from ever being able to receive benefits. Also part of this reform was an extreme focus on reducing out-of-wedlock births and abortions as well as increased enforcement of child support collection. On their face these policies and their stated goals might seem reasonable, but taken in context of the larger assumptions being made about poor people (i.e. people of color) these policies are reprehensible. During the 1996 welfare reform debates, Congressional members likened welfare recipients to “alligators and wolves.” Additionally, other members of Congress associated public benefits with “sloth, illegitimacy, and drug abuse.”³⁸ Clearly the intent and ultimate impact of welfare reform had more to do with punishing poor people of color than working towards the creation of policies that work to create economic inclusion.



83. In New York City, little thought was put into the cities welfare reforms beyond the primary goal of diverting applicants from applying. Jason Turner, Commissioner of the city's welfare agency stated, "We didn't do any lengthy planning [with reforms], followed by implementation. Instead we acted first and worried about the consequences later, and it seems to have worked with us"³⁹ This act first think later attitude has resulted in a deluge of lawsuits against the city. In cases where advocates have won, the city continues to violate human rights deny by failing to comply with the court decision. There have even been court cases on just this issue.⁴⁰

Implementation & Impact of Welfare Reform

84. After federal welfare reform, many "legal" immigrants were no longer eligible for the Food Stamp Program- 900,000 nationwide and 147,000 in NYS. Although some of these benefits have been restored through a subsequent 1998 Federal Act, it is estimated that 53,500 legal immigrants living in New York State are still ineligible for Food Stamps.⁴¹ Welfare reform in New York City has been especially drastic. With the emphasis on diversion and workfare the caseloads have dropped by 50%, . Additionally, two years after welfare reform in New York City, roughly 13,000 college students were forced to drop out of school in order to comply with work requirements which often conflicts with class and study schedules.⁴² Considering that blacks and Hispanics, and specifically women, are more likely to be poor and in need in public benefits, restrictive access to welfare benefits has a disproportionate impact on people of color, and specifically, women of color.
85. The United States Department of Agriculture investigated the New York City welfare system and found numerous federal violations related to illegal diversionary practices including not allowing applicants to file an application the first day they enter the welfare office, referring applicants to food pantries instead of reviewing them for emergency benefit qualification, requiring applicants to search for employment before



receiving food assistance, and welfare workers pressuring applicants to withdraw their applications.⁴³

86. People of color, who live primarily in urban areas, are over represented within the welfare rolls and comprise the majority in urban areas. One study looking at welfare in America's 10 largest cities found that the caseloads in these cities comprise 70% of the national caseload. In urban areas in particular, people of color are disproportionately represented on the welfare rolls and comprise the majority of the welfare caseloads. Another study looking at 20 urban counties across the country found that while whites comprised 50% of the population, Hispanics 25%, blacks 16%, and 9% other, the welfare caseloads were 14% white, 34% Hispanic, 48% black and 5% other.⁴⁴
87. After welfare reform, whites comprise the majority of those who have left the rolls, 52%, followed by 34.7% non-white Hispanics, and 13% Hispanics. The other part of this equation is that blacks are more likely than their white counterparts to return to welfare within a year of leaving.⁴⁵
88. There is startling evidence that people of color suffer discriminatory practices within local welfare offices where workers wield considerable discretion. One study found a consistent pattern within the State of Illinois, where whites (almost 50%) were more likely to be referred to educational programs than blacks (18%).⁴⁶ Given that 87% of former welfare recipients in New York State who receive a college diploma never return to welfare,⁴⁷ this practice has profound repercussions in regard economic segregation of people of color.
89. The welfare grant in NYC has not increased over the last ten years and leaves a family of three at 47% of the federal poverty level (with Food Stamps, 70%) which is \$14,630 a year, just over half of what a family requires to live in NYC.⁴⁸ The vast majority of people interviewed by the Human Rights Project applied for benefits because they had one or more emergencies.⁴⁹



90. In New York City, people of color are more likely to be illegally diverted during the application process than whites. People of color are more likely to leave the rolls because of sanctions (failure to comply with an aspect of the process), a pattern that is also true nationally.⁵⁰ Additionally, people of color are also more likely to not know why their case was closed, which makes it more difficult to find legal redress. States with high numbers of black and Latina/o residency have harsher forms of sanctions for those who do not comply with welfare center requirements, which are onerous and confusing.⁵¹
91. Two class action lawsuits, *Reynolds v. Giuliani* and *Henrietta v. Turner*, found the city welfare administration to be in violation of the law. The lawsuits placed two divisions of welfare offices (Job Centers and Division of AIDS Services) under the oversight of the court.⁵² In New York City, welfare applicants/recipients can file an administrative fair hearing if they disagree with a decision made by the welfare office
92. Hearings are sought for a variety of reasons such as case closings and reduction of benefits. The overwhelming majority of those who file a hearing win their case. Since welfare reform began in NYC in 1995, there has been a 71% increase of fair hearings from 1994-1999, despite the almost 50% reduction in the welfare rolls. More than 80% of claimants win their case. This number points to the arbitrary and erroneous decision making process at welfare centers.⁵³
93. Along with fair hearings, welfare applicants/recipients can also file a formal complaint against the welfare center. Complaints range from changes in case file without notice, to rude and disrespectful behavior on the part of caseworkers and discriminatory treatment, including lack of bilingual staff and interpretative services.⁵⁴ The welfare administration is required by law to formally respond to each complaint within 20 days. Over 5,000 complaints have been filed against the city welfare administration between 1998 and 2001, yet the city has formally responded to less than 5 of those complaints.
94. Lack of translation services at welfare centers is one of the primary complaints filed by applicants and recipients. There has been a class action suit (*Ramirez v. Giuliani*)



and Complaint by the Office of Civil Rights in the Department of Health and Human Services, the federal agency that administers welfare.⁵⁵

R e m e d i e s

95. Create a constitutionally guaranteed economic security program where grants for cash, food, housing, health, education, training, care giving, and transportation assistance are provided based on a streamlined and graduated income means-test. There shall be no citizenship status requirements.
96. No persons shall live below 300% of the poverty level. Variations in geographical costs of living should be included in the calculation.
97. There should be specific measures ensuring equal access to and receipt of all benefits. Administering bodies should collect data by race, gender and other characteristics and regularly report their findings to the public.
98. Receipt of benefits should not be attached to mandated work requirements (workfare).
99. All application and informational materials should be disseminated in every public institution and made available in all relevant languages.

E d u c a t i o n a n d D i s c r i m i n a t o r y P r a c t i c e s

ICERD 5 (e) (v) The right to education and training

100. Half a century after the Supreme Court ruling that concluded that *de jure* school segregation was unconstitutional and “inherently unequal,” the United States continues to face a school system that is both segregated and unequal. Although the laws have changed, the practices of *de facto* discrimination persist and the research is undeniable. Study after study has found that white children consistently have better educational outcomes and enroll in higher education more than minorities. A number of institutional barriers including school budgets and funding channels, teacher low-wages, and minimal federal oversight have contributed to this phenomena but other factors such as low student expectations, criminalization of youth of color, and low



levels of leadership are also important variables. Access to quality and equitable education is central to equality of opportunity and any affront to achieving this should be seen as a violation of human rights.

Segregation

“Throughout the 1990’s segregation continued to intensify and there were three major Supreme Court decisions authorizing a return to segregated neighborhood schools and limiting the reach and duration of desegregation orders.”

Schools More Separate: Consequences of a Decade of Resegregation, Gary Orfield with Nora Gordon, July 2001

101. School segregation in the central metropolitan areas, where housing is seriously segregated has become increasingly non-white and overwhelmingly poor. Despite historic black-white racism, Latinos have become the largest minority group in the US (*Elizabeth M. Grieco and Rachel C. Cassidy, “Overview of Race and Hispanic Origin,” Census 2000 Brief, March 2001*) and the most segregated by race and poverty (Orfield and Gordon).
102. An Urban Institute report found that segregation by language, particularly Spanish speakers, is also extremely high. A 1993 study found that Limited English Proficient (LEP) student were in schools with more than ten times the concentration of LEP students than majority English speaking schools.
103. For these reasons, Latinos have the highest dropout rate than any other ethnic group and are concentrated in states where effective remedies such as Affirmative Action for college have been made illegal (California, Texas, and Florida). The peak of desegregation came in the early 70’s, a mere 30 years ago, and change was only enforced by the use of economic sanctions on school districts resisting integration but was limited to the south and was limited in city-suburban areas. New York along with Chicago and Atlanta experienced little segregation but had a drastic loss of white enrollment.



School Enrollment

	%	%	%	%	%Native
US Total	White	Black	Latino	Asian	American
46,098,136	62.8	17.2	15.0	4.0	1.1
New York	15.5	35.6	37.7	10.9	
Los Angles	10.5	13.6	69.1	6.5	

Racial Composition of Schools Attended by the Average Student of Each Race, 1998-99

% of Race in Each School	White Students	Black Students	Latino Students	Asian Students	Native American Students
White	80.6	31.7	29.1	46.3	49.7
Black	8.7	54.6	12.0	12.2	7.0
Latino	6.9	10.5	53.2	18.7	9.8
Asian	2.9	2.8	4.9	22.1	2.5
Native American	0.9	0.5	0.8	0.7	31.0
Total	100	100	100	100	100

Source: 98-99 NCES Common Core of Data and computations by Harvard Project on School Desegregation

104. These data show the numeric prevalence of segregation. White students attend schools where 81% of the other students are also white compared to Black and Latino students who attend schools that are more mixed. Despite these numbers, in 1991, the courts have declared that schools districts which have sufficiently implemented their desegregation court orders could be released from these orders and be free to assign students to neighborhood schools that are segregated as a result of residential



- patterns. This meant that schools could adopt policies that lead to segregation, as long as the policy did not have the intent to segregate. The underlying problem to school segregation is the intensified rate of housing segregation for poor black and Latino communities.
105. High concentrations of poverty in schools only complicates the problem of segregation. Of schools that are attended mostly by whites, 19.6% of the student body is poor, by comparison that rate is 39.3% for predominantly black schools and 44% for Latinos and 35.1% for Native Americans.
106. These numbers are even higher due to the fact that poverty is defined as those “registered” for free/reduced price lunch (*which many high school age students do not register for*). 88% of the segregated minority schools have concentrated poverty. Because high poverty schools often impact quality of teachers, nature of instruction and test scores, race and poverty are often confounded.

E d u c a t i o n a l o u t c o m e s

107. 1990’s have seen serious growth in the racial gaps in achievement and high school graduation rates yet racial minorities are still at the bottom end of educational outcomes. The correlation between test scores, dropout rates, educational outcomes, and school poverty and race is devastating, yet federal and state policies -beyond Title I and Bilingual Education Funds-have failed to rectify these issues.
108. There is a range of educational reforms that are federally funded but none are nationally coordinated or implemented. The consequences of unequal and poor performing schools is severe given that there is a high correlation between educational achievement and future economic outcomes.
109. In the mid 1990s about half of the high schools in the largest cities were graduating less than 50% of their students and they were overwhelmingly segregated minority schools.
110. Dropout rates in the US vary widely among major racial/ethnic groups (*Why Students Drop Out of School and What Can be Done*, Russell W. Rumberger, University of California, Santa Barbara).



1998 dropout rate (16-24 yrs old)	White	Black	Hispanic
	7.7	13.8	29.5

111. The US government has provided monies to help with drop-out prevention programs but these programs need to be geared towards those most at-risk. High dropout rates also lead to incarceration, health problems and long-term poverty. The unemployment rate for dropouts was 75% higher than for graduates. There are several causes for student dropouts; mobility, student engagement, and social and academic experiences of students. Rarely is dropping out solely a result of academic failure.
112. A longitudinal study by the Department of Education⁵⁶ found that prior levels of education are closely related to economic outcomes. The findings reveal that on the whole gaps between achievement are still large, although they are reduced when controlled for prior levels of education. What this means is that although the gaps exist they are smaller when blacks have prior levels of education equal to whites, but as data reveals here, segregation and unequal education persist in making that possibility highly unlikely.
113. Compared with white children, blacks scored lower on mathematics and reading tests at every grade level studied between 1-12. Gaps were usually similar in size for both boys and girls.

School Finance

*** This Information was compiled from a class action complaint compiled by the New York Civil Liberties Union Foundation. Christopher Dunn, Arthur Eisenberg, and Norma Siegel. December 3, 1998**



114. Research shows that there are a number of programs that work for low income students but the question remains, does the US have the capacity and political will to reduce dropout rates for minorities? One glaring example is school finance reform to eliminate disparities in the funding of public schools. This issue has not been able to generate widespread political support. The NYC school system, the largest in the country has been found guilty of not providing adequate funds to districts to provide students with a sound education. Because schools are not funded on the basis of need, many schools have insufficient resources to operate properly.
115. Although funding is not allocated equitably, all schools are held accountable for state and federal standards, which are often not aligned, and are penalized for not meeting the standards despite resource inadequacies. In addition, funding allocations are not a public matter, decisions are made behind closed doors with little recourse once decisions are made.
116. On January 10, 2001, the Campaign for Fiscal Equity won a lawsuit against the state of New York finding the financing system unconstitutional and disproportionately impacting minority students. The state was ordered to reform the system quickly but reforms have still yet to be seen.
117. The discriminatory features of the state's system for financing education includes differential expenditures on instructional expenses; primary reliance upon local property taxes to finance educational services; use of "transition adjustments" to the state aid formula; and reliance upon attendance rather than enrollment figures in calculating state aid.
118. Even though the students attending schools in the state's high-racial/ethnic minority districts tend to have the greatest educational needs, in every high- racial/ethnic minority district that exists outside New York City, the state is spending significantly less money on instructional expenses for general-education students than they are spending on similar students in neighboring low-minority districts.
119. Not only does the state expend significantly less money for instructional expenses on students in high-minority districts than on students in low-minority districts, they



have structured the New York educational system so as to limit significantly the ability of high-minority districts to raise the level of educational expenditures for their students. Specifically, the state has devised an educational financing scheme by which the funding available to individual school districts turns primarily on the amounts of money those school districts can raise themselves through the imposition of property taxes.

- 120. Under the education financing system devised and controlled by the state, revenue raised by local school districts comprises the largest part of the state’s education budget.

SOURCE OF REVENUES FOR NEW YORK EDUCATION SYSTEM

<u>School Year</u>	<u>% from State</u>	<u>% from Local</u>	<u>% from Fed.</u>
1994-95	40.3%	55.4%	4.3%
1993-94	38.7%	56.7%	4.6%

- 121. Under the system operated by the state, the principal source of local revenue independent school districts have to pay for the provision of educational services in their districts is revenue generated by taxes imposed upon real property within school district borders. Consequently, the total amount of revenue available to fund the provision of educational services within school districts depends largely upon the amount of taxable wealth that exists within individual school districts. The high-minority districts have far less wealth within their borders with which to support their schools than do neighboring low-minority districts. In all seven of the high-minority, independent school districts in New York State and outside of New York City, the per-pupil taxable wealth available to support the provision of educational services is significantly less than the per-pupil taxable wealth in the surrounding, comparable low-minority districts.¹

¹There are eight high-minority school districts, but Rochester is a independent district and as such its revenue is not derived directly from local property taxes imposed by the district.



Zero Tolerance

*** This Information was compiled from *OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES*. A Report by the Advancement Project and The Civil Rights Project. June 2000**

122. Zero Tolerance refers to school disciplinary sanction policies passed by state legislatures and Congress that are meant to end dangerous and criminal behavior in schools by expelling and suspending students engaging in such conduct. However, these policies have been extended to include other behaviors that are not necessarily safety concerns, and are then used to discipline a wide variety of actions.
123. Although there are no racially disaggregated data that is easily available that documents racial disparity in school disciplinary actions for NY State, national and multi-state studies have shown that black and Hispanic students are disciplined more often and more harshly than white students and that Zero Tolerance policies are more likely to exist in predominantly black and Latino school districts. The increased expulsion and suspension of black and Latino students has an adverse impact on their education, that white students are less likely to encounter.
124. These policies require that children in kindergarten through 12th grade receive harsh punishments, often for minor infractions that pose no threat to safety, and yet cause them and their families severe hardship.¹ A strong body of compelling research indicates that these "get-tough" disciplinary measures often fail to meet sound educational principles and, in many cases, their application simply defies commonsense. More alarming than the punishment meted out in schools is the tracking of children into the juvenile justice system for minor misconduct in school. Often African-American, Latino, and disabled children bear the brunt of the consequences of these policies.
125. One key point in the disciplinary process where discrimination might occur is the initial decision to refer a student for an infraction. As data described in this Report



indicate, students of color are more likely than whites to be referred for subjective infractions such as "defiance of authority." When teachers and other school officials responsible for reporting disciplinary infractions are more prone to identify violations by students of color than by white students, misconduct by white students will go unreported.

126. Consequently, proving that students of color were treated differently than similarly situated white students may be impossible since those white students were never referred for any disciplinary action.
127. Despite these limitations, the legal protections against intentional racial discrimination are valuable. Particularly where other evidence of racial animus on the part of school officials exists, such as use of racial epithets or tolerance of a racially hostile environment, courts may infer intentional discrimination from large racial disparities in discipline and the other evidence. And, if students of color are disciplined more often or more harshly than similarly situated white students, a claim of intentional discrimination is likely to be successful. Finally, where a school system is under a desegregation order, its disciplinary practices may be scrutinized more carefully than in other cases to further ensure that it eliminates all of the effects of its prior dual system.
128. The overwhelming weight of child development and education policy research indicates that harsh, inflexible school discipline practices, extending well beyond serious weapons and drugs, are not educationally sound and do not improve school safety. In addition, even if the school system meets its burden on "educational necessity," plaintiffs can prevail by showing that an alternative approach to discipline would achieve these goals with a less discriminatory impact. This Report documents several positive approaches to school discipline that have been independently assessed and found to create safe schools and healthy learning environments. Therefore, if the "educational necessity" and "less discriminatory alternative"



- elements of the adverse impact doctrine were taken seriously by enforcement agencies and courts, it would be difficult for any school system with significant racial disparities to justify a harsh, disproportionate, or inflexible system of discipline.
129. There have been few court cases applying Title VI's adverse impact standard to school discipline systems. While the results of the court cases are mixed, this area of law has the potential to develop into a significant protection against brutal discipline systems that produce harmful racial impacts.
130. The Office for Civil Rights (OCR) of the US Department of Education is responsible for enforcing Title VI. Because it is often difficult for students and their parents to find attorneys to represent them in court cases, the role of OCR is critically important. Unfortunately, it does not appear that OCR is vigorously applying the adverse impact doctrine in its complaint investigations and findings.
131. Although comprehensive information on OCR's handling of complaints is difficult to obtain, the known cases suggest that OCR often processes school discipline complaints under the intentional discrimination standard. The cases that we have been able to review do not reveal serious consideration by OCR of whether harsh disciplinary systems actually serve school safety, a required element of "educational necessity." Nor do OCR case files indicate much attention to alternative disciplinary systems that could equally serve educational and safety goals with a less discriminatory impact. Moreover, while OCR has authority to initiate investigations without waiting for complaints, OCR has not used this power even to look at the educational justification for the disciplinary practices of school systems with the most egregious racial disparities.
132. Another apparent problem with OCR enforcement in the discipline area is that the agency does not publicize the informal resolutions it reaches in the vast majority of school discipline complaints and has made it very difficult for the public to obtain



- access to these settlements. As a result, whatever legal standard OCR is applying, it is not being clearly communicated to school officials around the country.
133. Acting on a 1996 complaint against a high school in Alameda, California, OCR found insufficient proof that the school district maintained a hostile atmosphere or intentionally discriminated against Latino students in the severity of discipline received for similar offenses. Without explicitly citing the adverse impact doctrine, OCR apparently proceeded under this standard. Pointing to a significantly higher rate of discipline against Latino and African-American students, particularly in the area of "disrespect of authority," OCR negotiated with the school district to implement positive strategies, such as conflict resolution teams, peer counseling groups, workshops addressing issues of race, and a retreat for administrative staff that covered racial stereotyping, profiling, and communication styles. Particular attention was paid to discipline for "defiance of authority." These steps led to an overall decrease in suspension rates and a steep decline in the racial disparities. OCR did not close the case until these improvements had been documented.
134. The Alameda case illustrates the potential of OCR Title VI enforcement to produce outcomes that advance racial justice and benefit students and schools. Unfortunately, this type of enforcement appears to be an innovative exception, rather than common practice, for OCR. And, even the Alameda case illustrates OCR's timidity about even mentioning the adverse impact doctrine and regulations.
135. Other policies apply the theory of Zero Tolerance to a broad range of student actions that have absolutely no connection to violence and drugs. For example, last year Maryland schools (not including Baltimore City, the largest district) suspended 44,000 students for the non-violent offenses of "disobeying rules," "insubordination," and "disruption."
136. Last year, in Jefferson County, Florida, a small, predominantly black school district, 43 % of the high school students and 31 % of middle school students were suspended



- at least once.¹¹ In Wisconsin, suspensions have increased 34% since 1991-92; 25.5% of African-American males and 19.75% of Native American males were suspended during the 1997-98 school year.¹² Chicago Public Schools have experienced a dramatic increase in the number of expulsions -- an increase from 14 in 1992-93 to 737 in 1998-99.¹³ African-American students represent 73% of those expelled but only 53% of student enrollment; Latino students represent 20% of students expelled.¹⁴
137. Despite this disturbing situation in Chicago, the school district set a goal of expelling even more students during the 1999-2000 school year, bringing the number up to 1,500 students.¹⁵ In Florida, 3,831 students were referred to the Juvenile Justice system for conduct in school.¹⁶ The exclusion of students from the educational process is a crisis of epidemic proportions; it has long-term implications not only for the students affected, but also for our society as a whole.
138. Racial disparities in the application of school disciplinary policies have long-been documented.²¹ The disparities are quite troubling. Most recent data from the Department of Education indicates that while **African-American children only represent 17% of public school enrollment nationally, they constitute 32% of out-of-school suspensions.**
139. The US Department of Education's report, *The Condition of Education* 1997, reveals that almost 25% of all African-American male students were suspended at least once over a four-year period. These statistics by themselves do not prove intentional discrimination, but they suggest that such discrimination may be widespread. And, regardless whether the disparities are intentional or unintentional, the numbers are nonetheless alarming.
140. Zero Tolerance Policies are more likely to exist in predominantly black and Latino school districts. During the 1996-97 school year, these districts were more likely to have policies addressing violence (85%), firearms (97%), other weapons (94%), and drugs (92%) than white school districts (71%, 92%, 88%, and 83%, respectively).²⁴



This disparity in the adoption of Zero Tolerance Policies may also account for some of the racial disparities, at least on a national level, in disciplinary actions taken.

141. 41 States require schools to report students to law enforcement agencies for various conduct committed in school. Although most of the categories of offenses that require reporting to law enforcement agencies appear reasonable, evidence suggests that the application of the laws may be problematic. By enacting referral requirements and failing to monitor their implementation, these States have, perhaps unintentionally, set off an explosion in the criminalization of children for understandable mistakes or ordinary childhood behavior. The growing involvement of law enforcement agencies in the discipline of students for nonviolent conduct in school raises several concerns about students' rights. In many instances, students are arrested and taken from school without prior notification to parents. Consequently, students may be detained and questioned without understanding their legal rights.
142. Unfortunately, data collection is inconsistent and, in some instances, unreliable. In addition, many State Departments of Education, responsible for the collection and reporting of data, do not make data readily accessible. For example, in several States requiring data collection, there is confusion within the Departments of Education as to who within the Departments maintains data. Furthermore, many States require that persons or organizations seeking discipline data be "cleared" to obtain such data. There is a need for consistency in reporting across States and additional detail in reporting. Data collection varies by State.
- 27 States require collection of discipline data by type of offense/conduct.
 - 11 States require collection of discipline data by race.
 - 11 States require collection of discipline data by gender.

R e m e d i e s

143. Specially earmarked funds to improve educational outcomes in interracial schools
144. Equalize finances among school districts with federal mandates for per public expenditures.



145. The federal government must provide funding and flexibility for prevention programs geared to racial minorities that include a range of services including, community-school collaborations, additional structural resources, and comprehensive trainings for teachers and staff.
146. School policies related to discipline must be reviewed for disproportionate impact on minorities to alleviate the continual criminalization of youth.
147. Increased forms and funding for affirmative action at the federal level.
148. Increased access and field offices of the Office of Civil Rights
149. Schools should monitor disciplinary referrals by teachers to ensure fair application of disciplinary codes. Monitoring may expose problems such as poor classroom management, discriminatory treatment, or singling out of particular children. Where teachers overuse disciplinary referrals, additional training should be provided. As a result, students will not be singled out, and they will ultimately have faith that the system of punishment is just.
150. The Department of Education should require all school districts receiving federal aid to provide more comprehensive civil rights compliance data, including data on disciplinary actions taken by offense, with the race and disability status of the child, and information on referrals to law enforcement agencies for in-school conduct.
151. The General Accounting Office should study OCR's work on race and disability discrimination in the student discipline arena, with special attention to the effectiveness of public education and technical assistance, the clarity and consistency of internal policies, and the length of time for investigations.

Health Status of Minority Women

ICERD 5 (e) (iv) The right to public health, medical care, social security and social services

152. The United States is a country which lacks universal health care. Although we have a highly advanced system of care, only a small population have the financial means to



- enjoy its advantages. The three main systems of access to health care are private employer-based insurance, federally provided insurance (Medicaid), and care for those over age 65 (Medicare).
153. Because racial/ethnic minorities are disproportionately represented in employment which does not provide health insurance and in the ranks living below the poverty line, they are least likely to access quality health care. As a result of this lack of access, racial minorities suffer from higher mortality rates and chronic diseases. This situation uniquely impacts specific populations, including women, children, and those with additional barriers to equal opportunities. In this section, we focus on the situation of minority women in particular.
 154. Several international treaties recognize the right to health care. ICERD specifically requires States Parties to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to the enjoyment of the right to public health, medical care, social security and social services. Article 5(e)(iv). As a State Party, the United States is obligated to fulfill the rights under ICERD. This section of the report will demonstrate how the United States has failed to meet its obligations to eliminate racial discrimination as a barrier in achieving the right to health.
 155. The United States State Department recognizes in its report submitted to CERD that there exist “significant disparities with regard to certain health measures.” (paragraph 376). This acknowledgment is insufficient when disparities are growing larger as a result of current and developing health and social welfare policies. Notwithstanding the federal programs to eliminate disparities, listed in the US report at (paragraphs 382 – 388), the purpose of this report is to illuminate that there remain inadequacies in the administration of health care.
 156. Discrimination in the administration of health care in the US particularly affects minority women. The experience of minority women in New York City mirrors the national situation described in a May 2000 study by the Office of Women’s Health of the US Department of Health and Human Services entitled, “The Health of Minority



- Women.” (hereinafter “US Study”). The sections of this report contain information specific to minority women in New York City.
157. Although these [minority] women experience many of the same health problems as white women, as a group, they are in poorer health, they use fewer health services, and they continue to suffer disproportionately from premature death, disease, and disabilities. Many also face tremendous social, economic, cultural and other barriers to achieving optimal health.
 158. As a result of diversity, minority women’s access to health care, their health behaviors, and their health status can vary widely between racial/ethnic groups. For example, minority women who have recently emigrated to America face more obstacles to accessing health care than any other minority women in their group. The health status of women within the four major minority groups may also differ significantly, depending on income, education, and acculturation.
 159. The US Study has identified many barriers limiting access to health care for minority women. Such obstacles include inadequate numbers of primary care physicians which cause women to seek care in high-volume facilities where physicians spend less time with patients and provide less preventative care counseling, the misreporting of the race and ethnicity of women in many medical research studies, and too few women and minorities in health care fields which leads to insensitivity to the needs and preferences of minority women.
 160. Regarding medical research studies, the US Study’s finding that “data are typically gathered from a limited number of subgroups, and then the conclusions are erroneously applied to the entire minority group,” demonstrates that an intersectional approach in such studies would apply particular data to particular subgroups.
 161. Additional barriers to health care for minority women identified by the US Study include economic barriers such as that minority women are more likely to have lower incomes and to live in poverty than white women, minority women hold a disproportionate share of low-wage jobs, and that more minority women than white women are uninsured or rely on public health insurance such as Medicaid and



- Medicare. According to the US Study, benefits from such public programs are limited and frequently do not meet all of minority women's health care needs.
162. The US Study found that some groups of minority women are more likely to die from heart disease, stroke, and cancer than white women, and that other health problems such as obesity, diabetes, and hypertension occur more frequently among most populations of minority women than among white women.
 163. Most important to this report, the U.S Study identified discrimination as a social and cultural barrier limiting access to health care for minority women: Substantial numbers of minority women ... can experience racial, ethnic, gender, and other forms of discrimination, which could interfere with appropriate diagnosis and treatment.
 164. Regarding the US government's finding that minority women are more likely than white women to die of certain illnesses and that certain health problems occur more frequently in minority women, the authors of the study asserted that "[a]lthough these important disparities have been identified, we do not know all the reasons why women's disease risks and mortality rates vary by race and ethnicity." The US is obligated under ICERD to determine the reasons for such a disparity.

U n i n s u r e d

165. In its report submitted to CERD, the United States State Department recognizes that persons belonging to minority groups tend to have less adequate access to health insurance and health care. (paragraph 71(1)).
166. Many New York City residents face a health care crisis in that the care is not reliable or meaningful. Twenty-eight percent of working age adults in the City are uninsured. The uninsured rates among the City's minority adults ages 18 to 64 are 50 percent higher than among white, non-Latino adults. "Five Boroughs, Common Problems: The Uninsured in New York City." The Commonwealth Fund, February 2000.
167. A study published by the Commonwealth Fund found that New York City is among the Metropolitan Statistical Areas (MSA) with the highest uninsurance rates.
168. In addition, New York City has one of the lowest rates among MSA's of job-based coverage. Ethnicity was identified as a factor that distinguishes high from low-



coverage MSA's. "Given the enormous inequalities in US society and the high rates of poverty among Latinos, it is not surprising that MSA's with low rates of job-based coverage have a larger proportion of Latinos ... and a smaller proportion of non-Latino whites." "Disparities in Health Insurance and Access to Care for Residents Across US Cities," The Commonwealth Fund and UCLA Center for Health Policy Research, August 2000.

169. In a survey state-wide, the rate of uninsured for 1997 was 14.5% for all age groups. The uninsurance rates among ethnic groups are: 28.5% Latino, 19.5% black, and 9.3% for white, non-Latino. "Health Insurance, Access, and Use: New York," Urban Institute, July 2000.

Medicaid

170. Medicaid is the federal safety net medical insurance program for the nation's poor. Medicaid participation for poor children has dropped for the first time in a decade. Almost 30% of the city's residents under 65 years of age lack insurance. (New York Times, "Financial Struggles at Medical Clinics for the City's Poor," 4/17/00, A1, Jennifer Steinhauer).
171. An investigation by the federal and state governments revealed that city welfare workers were failing to comply with federal law which requires welfare workers to distribute Medicaid applications without delay. On more than one occasion undercover, state investigators were told by city workers they would have to return on another day in order to apply for Medicaid. (New York Times, "State Investigators Find Medicaid Delays in City," 2/4/99, Rachel Swarns).

Emergency Room Use

172. The replacement of primary care with emergency room care is one consequence of many uninsured people. Uninsured patients have no other choice when health is at risk but to visit emergency rooms. This reliance, however, means costly (out-of-pocket) care and no continuity. In a recent study of emergency room care in the City, the Commonwealth Fund found of the 669 patients surveyed at four hospitals in the



Bronx section of New York City, 60 % were Latino, 29% black, and 10% white. This reflects a huge racial disparity among those seeking emergency room care.

“Emergency Department Use in New York City: A Survey of Bronx Patients,” The Commonwealth Fund, November 2000.

173. Lack of medical coverage often leads to increased use of the city’s emergency rooms where doctors often have little time to educate families on how to control disease, chronic conditions, and where there is little follow-up care.
174. The problem of asthma care, among New York City’s poor children, illustrates this dilemma. A team at the Center for Children’s Health and the Environment at New York City’s Mt. Sinai School of Medicine has determined that hospitalization rates for children with asthma were as much as 21 times higher in poor neighborhoods in the city as compared to more affluent communities. In the neighborhood of lower East Harlem (in the 10029 ZIP code) the rate of hospitalization was 22.28 per 10,000, per year. In five high-income ZIP codes-the rate was zero. (New York Times, “Study shows a Big Asthma Risk for Children in Poor Neighborhoods,” 7/27/99, Holcolm B. Noble).

Racial Discrimination by Providers

175. A report by the office of Bronx Borough President Fernando Ferrer found that “racial discrimination may play its own role in cases where physicians or providers provide unequal care to people of different races.” “Closing the Gaps: Racial Disparities in Our Health Care System,” Fernando Ferrer, Bronx Borough President, November 2000. The report refers to studies that found such discrimination where “[t]he results are disturbing and demonstrate that physicians look beyond the information provided by a patient when making a medical assessment.” (Id. at n. 56-57), citing New England Journal of Medicine and Grantmakers in Health.
176. For example, one study found that white men were referred for more aggressive work-up and intervention, the African American men less so, the white women still less, and the African-American women even less. (Id). This indicates the unique



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situation of minority women, in particular, who are often subjected to discrimination more so than any other population.



HIV and AIDS

177. Although the global HIV-AIDS crisis has made significant advances in treatment and prevention, the newest numbers in the United States, show that infection rates for minorities, especially women, are growing.
178. 1999 data by the Center for Disease Control (CDC) and Prevention show that AIDS cases in racial/ethnic minorities has steady risen since 1986 and has declined for whites.
179. Of the AIDS cases reported CDC through 1999, black and Latino adults and adolescents accounted for 67% of the total, 77% of the women, 79% of heterosexuals, and 82% of the children. These numbers prove that blacks and Latinos account for a disproportionate share of AIDS cases particularly for women and children. Black women make up 57% of women cases, Latinas make up 20%.

	White	Latino	Black	Asian	Ameri- Indian
%					
Reported Aids Case	32	19	47	1	1
% of US population	71	13	12	4	1

180. In New York City it is estimated 44,994 thousand people are living with AIDS, of those, 9,285 are white, 19,994 are black, and 15,121 are Latino, 361 are Asian, and 24 are American Indian.
181. New York welfare policies do have special housing programs for AIDS infected persons but often these services are not provided are rendered in a way that is discriminatory. A dramatic example of federal intervention (to hold the city administration to federal standards) is the legal case (Henrietta vs. Giuliani) which



resulted in the placement of the city's Division of AIDS Services, the city's agency for poor New Yorker's with AIDS, under federal authority. The federal judge in this case ruled that the city "chronically and systematically" delayed and terminated benefits to thousands of people with AIDS in error. (New York Times, "Sparring begins on oversight of AIDS Unit," 9/21/00.)

C a n c e r

182. The US Report to CERD makes women of color invisible in its section on health. The only numbers that reflect the health status of women are infant mortality and maternal mortality. See US Report, (paragraph 376). The report does not reflect that women suffer from health problems that are unique from those of men, both biologically and in terms of access to care and diagnosis.
183. While white women have higher incidence rates of breast cancer than women of other ethnic or racial groups, African American women have a higher mortality rate than white women. This discrepancy is primarily due to African American women's later diagnoses in less treatable stages of the cancer. (National Cancer Institute)
184. In regard to cervical cancer among women, Vietnamese women suffer from the highest incidence rate. But again, African American women have the highest mortality rate, followed by Latinas. (Id.)
185. Aside from the startling mortality statistics for certain groups of women, it is also problematic that the New York State Department of Health, on its public website, does not disaggregate female cancer statistics by race.

D i a b e t e s

186. The New York State Department of Health reported that through 1995 (the latest information for diabetes reported), "non-Hispanic black women" have the highest prevalence of diabetes. This gender breakdown was not reported by the US, but rather simply reported that diabetes is higher for Hispanics, Native Americans, and blacks.



Heart Disease

187. Coronary heart disease (CHD) is the leading cause of death for African American women in New York state. In fact, the death rate for African American women under age 75 is 71% higher than for white women. New York State Department of Health. The primary risk factors for CHD are smoking, high cholesterol, high blood pressure, physical inactivity, obesity, diabetes, and poor nutrition.
188. Heart disease is also slightly higher among African-American men than white men. The New York State Department of Health reports that “CHD incidence and mortality rates go up as socioeconomic status goes down.” This relationship between status and heart disease impacts minority groups greatly.

Public Benefits and Health

189. The overwhelming majority of those receiving public assistance in New York City are people of color, most of who are children under the age of 18. In 1999, New York City’s TANF (the federal cash welfare program for adults with children caseload was 54% Latino, 39% African American, 5% white, and 2% Asian. (Roundtable on Institutions of People of Color)
190. The health consequences of New York City’s welfare policies, on welfare recipients who are overwhelmingly people of color, are a violation of United States federal food stamp and Medicaid laws and obligations under international treaties including ICERD. The welfare policies of New York City’s government have resulted in the large numbers of poor people of color being denied desperately needed public benefits and suffering undue health crises.
191. A recent National study shows that women (and their children) who were on welfare had substantially higher rates of physical and mental health problems than did national samples of women and children- and their health problems were often multiple and severe. (The Health of Poor Urban Women, D. Polit, A. London, J. Martinez. Manpower Demonstration Research Corporation, May 2001)



192. The study also found that women with multiple health problems (and women who had been physically abused) were more likely than other women to have been sanctions (cut of benefits) by the welfare agency in the previous year.
193. The study concluded that women's health problems, and those of their children's, constrain their entry into the workforce and ability to remain there. This directly impacts their ability to comply with participation requirements, which raises troubling questions about sanctioning policies.
194. The following is testimony of a young woman taken by the Urban Justice Center-Human Rights Project highlighting the health risks faced by pregnant women attempting to navigate New York City's welfare system. The woman is 19 years old and six months pregnant. She had tried to reapply for food stamps for two weeks to no avail.

“After two weeks I didn't have any money, no lunch money. I told them “How do you expect pregnant females to come here and look for jobs...and you don't give us lunch money? I'm hungry and I don't have any money.” Then I spoke to the supervisor. She said, “Do you feel all rights?” I said, “No. I'm hungry.” She said, “Drink some water it will make you feel better.” There were two pregnant women like me, six months pregnant [in the Job Search] program. We would put our money together. We would buy a roll and coffee just to fill us up.”



Remedies

195. Medicaid and social welfare programs tied to public benefits must be reviewed for equal access and discriminatory practices by state actors.
196. Access to health insurance in the United States has a direct relationship to socioeconomic status. Articles 1(1) and 2(2) specifically address economic and social rights as guarantees under ICERD. The United States cannot these ignore disparities.
197. Differences in race, ethnicity, and gender among racial subgroups must be considered in developing a national non-discriminatory health care policy and ensuring such compliance with such policy at the state and local level.
198. The federal government should monitor the administration of public benefits at a local level, particularly the Food Stamp Program which is vitally connected to the enjoyment of health.
199. The US should repeal the Personal Responsibility and Work Reconciliation Act (“welfare reform”). The provisions of the act themselves as well as the implementation of the act cause the elimination of Medicaid for many minority populations and result in increased health problems.
200. A discussion which is not explored in this report but which is useful is the privatization of health care. Private providers must be required to operate with the same commitment to racial equality as the federal government, both as a practical matter and as an obligation of the US under ICERD.

¹ Hunger is No Accident: New York and Federal Welfare Polices Violated the Human Right to Food. Human Rights Project of the Urban Justice Center, New York, NY. This Shadow Report contains significant information from Hunger is No Accident. From this point forward in the endnotes, it will be referred to as “HNA.” See also *Harris v. McRae*, 448 US 297 (1980).

² HNA see note 1.

34 UCLA L. Rev. 1195 *1199, Copyright 1987 by the Regents of the University of California; Ann I. Park.

44 Hastings L.J. 79 *95, Copyright 1992 by the Hastings College of the Law; Barbara Stark.

³ *ibid.*

⁴ 34 UCLA L. Rev. 1195 *1199, Copyright 1987 by the Regents of the University of California; Ann I. Park.

Some of these Supreme Court Lawsuits include *Dandridge v. Williams*, 397 U.S. 471 (1970), *Jefferson v. Hackney* 406 U.S. 535 (1972), *Lindsey v. Normet*, 405 U.S. 56, 74 (1972), *Martinez v. Bynum*, 461 U.S. 321, 340-41 n.7 (1983), and *San Antonio Indep. School District v. Rodriguez*, 411 U.S. 1, 35 (1973).

⁵ HNA see note 1.



⁶ Report by Mr. Marurice Glélé-Ahanhanzo, Special Rapportuer on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to the United States of America from 9 to 22 October 1944, submitted pursuant to Commission on human Rights resolutions 1993/20 and 1994/64 E/CN.4/1995/78/Add.1, 16 January 1995

⁷ Racial and Economic Exclusion: Policy Implications. International Council on Human Rights. May 2001

⁸ Women Fighting Poverty Conference VII, New York, NY

⁹ Sarah Staveteig & Alyssa Wigton. Key Findings by Race and Ethnicity: Findings from the National Survey of America's Families. Urban Institute, Washington DC.

¹⁰ Economic policy Institute, "NAFTA At Seven: It's impact on workers in all three nations. Washington DC.

¹¹ *ibid.*

¹² Women Fighting Poverty Conference VII, New York, NY

¹³ *ibid.*

¹⁴ "Balancing Revenues," Fiscal Policy Institute, New York, NY.

¹⁵ HNA see note 1.

¹⁶ "Balancing Revenues, Expenditures, and Human Needs in the 21st Century," Fiscal Policy Institute, NY.

¹⁷ "Balancing Revenues," Fiscal Policy Institute, New York, NY.

¹⁸ HNA see note 1.

¹⁹ "Balancing Revenues, Expenditures, and Human Needs in the 21st Century," Fiscal Policy Institute, NY.

²⁰ "Poverty Amidst Plenty" Fiscal Policy Institute, NY.

²¹ "1999 Snapshots of America's Families II: Key Findings by Race and Ethnicity," Staveteig, Sarah & Wigton, Alyssa, Washington DC: Urban Institute, 2000.

²² Women Fighting Poverty Conference VII, New York, NY

²³ "Hardships in America: The Real Story of Working Families," Fiscal Policy Institute, NY.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ "Balancing Revenues, Expenditures, and Human Needs in the 21st Century," Fiscal Policy Institute, NY.

²⁷ "Hardships in America: The Real Story of Working Families," Fiscal Policy Institute, NY.

²⁸ Women Fighting Poverty Conference VII, New York, NY

²⁹ "Hardships in America: The Real Story of Working Families," Fiscal Policy Institute, NY.

³⁰ *Ibid.*

³¹ "WEP Fact Sheet," Organizing Project-Urban Justice Center, New York, NY.

³² "Treated Like Slaves: Donna Karan, INC Violates Women's Worker's Human Rights," The Center for Economic and Social Rights, December 1999, Brooklyn, NY.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ "Poverty & Race" Volume 10 #2, March/April 2001, Poverty and Race Research Action Council.

³⁶ *Ibid.*

³⁷ HNA see note 1.

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ "Stiff Rules Gut Welfare Rolls at Two Offices," Rachel Swarns, New York Times, June 22, 1988.

⁴¹ *ibid.*

⁴² New York Times, "Measure Seeks Campus Workfare Jobs, but City Balks. August 6, 1997.

⁴³ HNA see note 1.

⁴⁴ "Unfinished Business: Why Cities Matter to Welfare Reform," Washington DC: The Brookings Institute, July 2000.

⁴⁵ "How Families That Left Welfare Are Doing: A National Picture," Loprest, Pamela, Washington DC: The Urban Institute, 2001.

⁴⁶ "Living With Welfare Reform: A Survey of Low Income Families in Illinois," Armato, et al., Chicago: Chicago Urban League and University of Illinois at Chicago, January 2000.

⁴⁷ Welfare Reform Network, New York, NY.



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- ⁴⁸ Community Food Resource Center
- ⁴⁹ Human Rights Project of the Urban Justice Center, New York, NY.
- ⁵⁰ “Key Findings: The impact of Human Rights Project of the Urban Justice Center, New York City, March 2001. “Poverty & Race” Volume 10 #2, March/April 2001, Poverty and Race Research Action Council.
- ⁵¹ “Poverty & Race” Volume 10 #2, March/April 2001, Poverty and Race Research Action Council.
- ⁵² HNA see note 1 “A Tragedy of Errors: The New York Human Recourses Administration Fails New York’s Neediest Residents,” Coalition for An Accountable and Respectful HRA, New York, NY
- ⁵³ HNA see note 1.
- ⁵⁴ Coalition for an Accountable and respectful HRA, New York City, NY. The Coalition has released two reports:
- ⁵⁵ HNA see note 1.
- ⁵⁶ Educational Achievement and Black White Inequality. US Department of Education July 2001
- ⁵⁷ HNA see note 1.
- ⁵⁸ *ibid.*
- ⁵⁹ *ibid.*
- ⁶⁰ “Stiff Rules Gut Welfare Rolls at Two Offices,” Rachel Swarns, New York Times, June 22, 1988.
- ⁶¹ Community Food Resource Center, 1998. Liz Kreuger, “Fact Sheet on Federal Restoration of Benefits for Immigrants” August 1998.
- ⁶² *ibid.*
- ⁶³ New York Times, “Measure Seeks Campus Workfare Jobs, but City Balks. August 6, 1997.
- ⁶⁴ HNA see note 1.
- ⁶⁵ “Unfinished Business: Why Cities Matter to Welfare Reform,” Washington DC: The Brookings Institute, July 2000.
- ⁶⁶ “How Families That Left Welfare Are Doing: A National Picture,” Loprest, Pamela, Washington DC: The Urban Institute, 2001.
- ⁶⁷ “Living With Welfare Reform: A Survey of Low Income Families in Illinois,” Armato, et al., Chicago: Chicago Urban League and University of Illinois at Chicago, January 2000.
- ⁶⁸ Welfare Reform Network, New York, NY.
- ⁶⁹ Community Food Resource Center
- ⁷⁰ Human Rights Project of the Urban Justice Center, New York, NY.
- ⁷¹ “Key Findings: The impact of Human Rights Project of the Urban Justice Center, New York City, March 2001. “Poverty & Race” Volume 10 #2, March/April 2001, Poverty and Race Research Action Council.
- ⁷² *ibid.*
- ⁷³ “Unfinished Business: Why Cities Matter to Welfare Reform,” Washington DC: The Brookings Institute, July 2000.
- ⁷⁴ HNA see note 1 & “A Tragedy of Errors: The New York Human Recourses Administration Fails New York’s Neediest Residents,” Coalition for An Accountable and Respectful HRA, New York, NY
- ⁷⁵ “How Families That Left Welfare Are Doing: A National Picture,” Loprest, Pamela, Washington DC: The Urban Institute, 2001.
- ⁷⁶ “Living With Welfare Reform: A Survey of Low Income Families in Illinois,” Armato, et al., Chicago: Chicago Urban League and University of Illinois at Chicago, January 2000.
- ⁷⁸ “Key Findings: The impact of Human Rights Project of the Urban Justice Center, New York City, March 2001. PPRAC Poverty & Race
- ⁷⁹ HNA see note 1.
- ⁸⁰ Coalition for an Accountable and respectful HRA, New York City, NY.
- ⁸¹ *ibid.*
- ⁸² HNA see note 1.

