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**REPORT ON RACIAL DISCRIMINATION AND SEXUAL VIOLENCE AGAINST WOMEN
OF COLOR, INCLUDING THOSE IDENTIFYING AS LGBTQ, AND THE IMPACT OF
INADEQUATE RACIAL JUSTICE INITIATIVES AND VIOLENCE PREVENTION POLICY
IMPLEMENTATION IN THE UNITED STATES.**

SUBMITTED BY BLACK WOMEN'S BLUEPRINT

IN RESPONSE TO THE

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Office of the United Nations High Commissioner for Human Rights on the Implementation of the
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REPORT ON RACIAL DISCRIMINATION AND SEXUAL VIOLENCE AGAINST WOMEN OF COLOR, INCLUDING THOSE IDENTIFYING AS LGBTQ, AND THE IMPACT OF INADEQUATE RACIAL JUSTICE INITIATIVES AND VIOLENCE PREVENTION POLICY IMPLEMENTATION IN THE UNITED STATES.

SECTION I. REPORTING ORGANIZATION - [Black Women's Blueprint, Inc.](#)

This report was authored by Black Women's Blueprint, a national membership organization of 180 women, men and transgender people of color in the United States of America, with its headquarters in New York City.

1. THE ORGANIZATION: Black Women's Blueprint is a national Black feminist organization using civil and human rights approaches to organize and develop a culture where women of African descent are fully empowered and where gender; race and other disparities are erased. It engages in progressive research, historical documentation, policy advocacy and organizes on social justice issues steeped in the struggles of Black/African American women within their communities and within dominant culture. Black Women's Blueprint is the convener of the first *Truth and Reconciliation Commission* ever to focus on Black women in the U.S. and their historical and contemporary experiences with rape/sexual assault. The organization is the national technical assistance provider engaging 105 *Historically Black Colleges and Universities* (HBCUs) across the country, providing training and capacity building to address gender-violence on their campuses. Black Women's Blueprint also administers a small museum, The Museum of Women's Resistance (MoWRe), which uses multi-media art to provide a historical context and to spark dialogue on the civil and human rights of women and girls in the African Diaspora. The Museum is recognized as a *Site of Conscience* by the International Coalition of Sites of Conscience.

2. THE AUTHORS: **Farah Tanis** is the Co-Founder and Executive Director of Black Women's Blueprint and the Museum of Women's Resistance ([MoWRe](#)). Tanis also Chairs the U.S. Truth and Reconciliation Commission on Black Women and Sexual Assault ([BWTRC](#)). **L. Michelle Odom** is Communications and Development Manager, Black Women's Blueprint, Advisor, the U.S. Truth and Reconciliation Commission on Black Women and Sexual Assault, Founder of the Revolutionary Love Leadership Series, and Management Consultant. **Aishah Shahidah Simmons** is the award-winning, Black Feminist Lesbian Filmmaker, Creator of the internationally acclaimed, [Ford Foundation](#)-funded [NO! The Rape Documentary](#). Simmons is an Associate Editor of [The Feminist Wire](#), an Adjunct Professor at Temple University, and a Commissioner for the U.S. Truth and Reconciliation Commission on Black Women and Sexual Assault.

3. All three authors have first hand experience with racial discrimination and sexual violence across a spectrum of human rights violations, and this report is written with support from and on behalf of the 180 members who make up the organization representing a variety of ethnicity, sexualities and income status and other intersecting identities in order to offer the CERD Committee first-hand accounts about human rights violations endured by women of color in the United States.

SECTION II. INTRODUCTION AND ISSUE SUMMARY: Racial Discrimination and Sexual Violence Against Women of Color.

1. This is the first Shadow Report submitted by Black Women’s Blueprint to the Committee on the Elimination of Racial Discrimination (CERD). The organization is particularly concerned with the U.S. implementation of CERD *articles 1 through 6* which condemn “racial discrimination and exclusion” and requires States to...“seek to avoid it in policy or practice by governments, organisations and individuals.” The organization is also concerned with the attainment of “security of person and protection by the State against violence or bodily harm...by any individual group or institution” outlined in *article 5(b)* of the Convention. **Racial discrimination and gender-violence** continue to be significant issues in the United States as women of color, including those who are sexually marginalized like lesbians, bisexual or transgender women, are impacted in ways that demand closer examination and warrant exposure to public scrutiny and policy-makers. In this brief report, we will focus our attention on a specific law and a federal initiative in the United States which inadequately or do not address *racial discrimination and gender-violence against women of color*.

1. The recent federal racial justice initiative My Brother’s Keeper ([MBK](#)) which excludes remedies that would address racial discrimination in the lives of women and girls of color, and
2. **The Violence Against Women Act** ([VAWA](#)) from which communities of color, (but communities of African descendants in particular), continue to receive a disproportionately lower-share of resources that would enable the law to have more impact where it is most needed.

2. Racial Discrimination – A recent racial justice initiative by the White House, “My Brother’s Keeper,”¹ created in February 2014, will provide opportunities for young men of color in education, employment, criminal justice, violence reduction, mentoring, and “ensuring access to basic health, nutrition, and to high-quality early education to get these kids reading and ready for school at the youngest age.”² While necessary and laudable, My Brother’s Keeper does not purport to tackle the deteriorating conditions and alarming circumstances facing women and girls³ of color. In response to this glaring oversight, The [African-American Policy Forum](#), a legal and policy think tank, wrote and delivered a [letter](#) to President Obama with over 1500 women of color signatories requesting the inclusion of women and girls of color into this Federal Initiative. “We write to join the concerns expressed by the letter from 200 Black Men about My Brother’s Keeper (MBK), and to share our hopes that together, we can re-align this important Initiative to reflect the values of inclusion, equal opportunity and shared fate that have propelled our historic struggle for racial justice forward.”⁴

¹ “FACT SHEET: Opportunity for all: President Obama Launches My Brother’s Keeper Initiative to Build Ladders of Opportunity For Boys and Young Men of Color,” The White House, Office of the Press Secretary, 2/27/14, <http://www.whitehouse.gov/the-press-office/2014/02/27/fact-sheet-opportunity-all-president-obama-launches-my-brother-s-keeper->

² Ibid.

³ “My Brother’s Keeper Task Force Issues Report to the President,” The Leadership Conference, 6/3/14, <http://www.civilrights.org/archives/2014/1439-my-brothers-keeper-report.html>

⁴ [African American Policy Forum](#), Why We Can’t Wait: Women of Color Urge Inclusion in My Brother’s Keeper <http://aapf.org/2014/06/woc-letter-mbk/>

The exclusion of women and girls from the federal My Brother's Keeper initiative reflects a pattern of neglect in the United States as My Brother's Keeper centers on a paradigm almost exclusively informed by the experiences of men and boys of color with racial discrimination.

3. The Initiative warrants closer examination in order to ensure the U.S. is meeting its obligation to ensure non-discrimination for **all** persons of color including women and girls in the following areas: Racial barriers for women and girls in the employment sector where **economic inequality and racial disparities** in earnings between white Americans and women of color abound. A National Women's Law Center study found in July, 2013, "Unemployment rates have declined for most subgroups of women since the start of the recovery, but not for adult African-American women."⁵ Black/African American women suffer disproportionately high rates of un- and under-employment and have a wider gender pay gap than white women and other women of color. "The gender pay gap affects all women," wrote the American Association of University Women, "but for African American and Hispanic/Latina women, it is a steeper climb." Their recent report found Black women are paid a mere 64% of what white males earn.⁶ Moreover, it is difficult to find support for claims of racial discrimination by the agency charged with handling such matters – *the U.S. Equal Employment Opportunity Commission* - in 2013, a typical year, found "no reasonable cause for 63.8% of the 3,146 "color-based" charges received in that period."⁷ The higher rates of unemployment and under-employment for Black/African American women, lower rates of pay, and inability to address employment discrimination through official channels, render our concerns invisible and exacerbates survival and quality of life for Black women in this country.

4. Racial Injustices abound in the criminal justice system as women and girls of color have almost single-handedly expanded the prison industrial complex. Women of color are three times more likely than white women, to be jailed. During the period of 1997-2007, the women's prison population grew by 832%, while during that same year, the male prison population grew 416%.⁸ The case of Marissa Alexander in Florida, is one extreme example, where a 33-year-old woman now faces a 60-year sentence for firing a warning shot in the direction of the man who physically abused her. No one was hurt.⁹ Tanya McDowell, a homeless woman who used a babysitter's address to send her child to a better school, was arrested and charged with first degree larceny, an extreme reaction and another example of this disturbing pattern.¹⁰ Alexander and McDowell are part of a growing pattern of criminalization of Black/African American women. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander, does an excellent job of documenting the disparate way in which drug policy has been applied in this country. Unfortunately, Alexander does not include comparable data on heterosexual women and LGBTQ people. In the 2011 release *Queer (In)Justice*:

⁵ "Fourth Anniversary of the Recovery Shows Job Gains for Women—But a Long Road to a Full Recovery," National Women's Law Center, July, 2013, <http://www.nwlc.org/sites/default/files/pdfs/4thanniversaryrecovery.pdf>

⁶ "The Simple Truth About the Gender Pay Gap," American Association of University Women, April, 2014, <http://www.aauw.org/2014/04/03/race-and-the-gender-wage-gap/>

⁷ "Color-Based Charges - FY 1997 – FY 2013," U.S. Equal Employment Opportunity Commission, <http://www.eeoc.gov/eeoc/statistics/enforcement/color.cfm>

⁸ "Quick Facts: Women and Criminal Justice - 2009," Institute on Women and Criminal Justice <http://www.wpaonline.org/resources/quick-facts>

⁹ Hsieh, Steven, "Marissa Alexander Now Faces 60 Years in Prison for Firing a Warning Shot in Self Defense," 3/3/14, <http://www.thenation.com/blog/178641/marissa-alexander-now-faces-60-years-prison-firing-warning-shot-self-defense>

¹⁰ "Tanya McDowell, Homeless Woman, Arrested For Sending Son To School Using Babysitter's Address," Huff Post Education, 6/18/11, http://www.huffingtonpost.com/2011/04/18/tanya-mcdowell-homeless-w_n_850571.html

The Criminalization of LGBT People In the United States, authors Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock give readers alarming commentary about the disproportionate rate that LGBTQ people, especially those of color, are incarcerated for ‘sexual deviance.’ Similar to Alexander’s book, Mogul, Ritchie, and Whitlock delve into how crime is socially constructed. They show the historical origins of how race constitutes what is considered a crime, while also examining how notions of gender plus race plus class plus sexuality, all inform who is incarcerated and who is not.¹¹ The 2012 release *Arrested Justice: Black Women, Violence, and America’s Prison Nation*, by Beth E. Richie, brings issues of {Black women’s} sexuality, class, age, and criminalization into focus alongside questions of public policy and gender violence. Richie brilliantly demonstrates why there is a non-negotiable need to radically re-frame the criminal justice stories.¹²

5. Sexual Violence Against Women and LGBTQ People of Color– The U.S. criminal justice system is not stopping sexual violence. It’s not making any of our communities, especially communities of Color, safe from violence. We are not eradicating sexual violence in communities of color with tougher crime bills and laws.¹³ Even more troubling, is the difficulty we have in relying on the official data. “A thorough analysis of federal data published earlier this year by Corey Rayburn Yung, associate professor at the University of Kansas School of Law, concludes that between 1995 and 2012, police departments across the country systematically under-counted and under-reported sexual assaults. After nearly two years of work, he estimates conservatively that between 796,213 and 1,145,309 sexual assault cases never made it into national FBI counts during the studied period... That’s more than 1 million rapes.”¹⁴

6. “Intimate partner violence, sexual violence, and stalking are important and widespread public health problems in the United States. On average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States, based on a survey conducted in 2010. Over the course of a year, that equals more than 12 million women and men. Those numbers only tell part of the story—more than 1 million women are raped in a year and over 6 million women and men are victims of stalking in a year,” found the Centers for Disease Control (CDC).¹⁵ The same study found, “Approximately 1 in 5 Black (22.0%) and White (18.8%) non-Hispanic women, and 1 in 7 Hispanic women (14.6%) in the United States have experienced rape at some point in their lives. The CDC also found, “Forty-four percent of lesbian women, 61% of bisexual women, and 35% of heterosexual women experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.”¹⁶ Researchers also find disturbing occurrences of intimate partner violence. “Domestic violence can happen anywhere and is not bound by race, religion, or socio-economic status. But, recent studies show that African American women are at three times the risk of experiencing a lethal domestic violence

¹¹ Simmons, Aishah Shahidah, “Who Will Revere Us? (Black LGBTQ People, Straight Women and Girls)” (Part 3), *The Feminist Wire* 4/25/14 <http://thefeministwire.com/2012/04/who-will-revere-us-black-lgtbq-people-straight-women-and-girls-part-3/>

¹² Richie, Beth E., *Arrested Justice: Black Women, Violence, and America’s Prison Nation*, New York University Press, 2014

¹² http://nyupress.org/books/book-details.aspx?bookid=3170#U7Hc_14fLA4

¹³ Simmons, Aishah Shahidah, “AfroLez®femcentric Perspectives on Coloring and Queering Gender-Based Violence,” February 18, 2014 Keynote Lecture, Scripps College Humanities Institute’s Spring 2014 “Feminisms and the Radical Imagination” series.

¹⁴ Chemaly, Soraya, “How Did the FBI Miss Over 1 Million Rapes?: Systematic undercounting of sexual assaults in the US disguises a hidden rape crisis,” 6/27/14, <http://www.thenation.com/article/180441/how-did-fbi-miss-over-1-million-rapes>

¹⁵ “The National Intimate Partner and Sexual Violence Survey,” Centers for Disease Control, 2010, http://www.cdc.gov/violenceprevention/pdf/nisvs_executive_summary-a.pdf

¹⁶ “NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation,” Centers for Disease Control, 2010, http://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf

event than any other racial groups in America. Indeed, domestic violence murders are among the leading causes of death of black women ages 15 to 35.”¹⁷

SECTION III. U.S. Government Response

1. The U.S. continues to struggle with addressing violence against women in communities of color. **Reauthorization and Extension of the Violence Against Women Act is an important step toward addressing racial and ethnic disparities in the levels violence and lack of justice experienced by women and LGBTQ people of color.** However, for the first time since it was passed in 1994, the Violence Against Women Act VAWA, was threatened and faced challenges to its extension in 2013. The components most in danger were in regard to protections and programs that encourage CERD compliance by promoting justice and inclusion for women of color and LGBTQ women¹⁸.
2. Additionally, the Department of Justice made another significant step forward by issuing a revised definition of rape that does not limit the victim or perpetrator to a certain sex or gender, recognizes all penetrative acts as rape, and includes instances where the victim is unable to give consent. Nevertheless, the 2011 ruling in *Jessica Lenahan (Gonzales) v. the United States* by the Inter-American Commission on Human Rights, *further demonstrates the United States’ responsibility and mandate to address violence against women as a human rights issue in both U.S. law and policy.*
3. Throughout its [June 2013 Periodic Report](#) to the CERD Committee, the U.S. engages in a relatively unprecedented frequency in mention of gender, women, sexuality, sexual orientation and gender identity. The report highlights steps taken by the U.S. Government with regard to legislative, judicial and administrative measures to combat racial discrimination. In addition, the report notes administrative and policy measures taken to eliminate disparities with regard to access to adequate health and care; housing; education; employment and protection from violence. As women of color, particularly Black/African American women and the LGBTQ community continue to be subjected to various forms of violence with little protection by the State, we find that the report fails to adequately establish how racial discrimination undermines the attainment of “security of person and protection by the State against violence or bodily harm... by any individual group or institution” outlined in *article 5(b) of the Convention*; nor does it adequately accept state responsibility for respecting, protecting, and fulfilling equal access to these rights.
4. In **Section 187, of Article 6 of the U.S. CERD [Periodic Report](#)**, the progressive ideal of empowering communities themselves to address issues of violence, with a necessary highlight on sexual violence, is detailed, stating specifically that, “...the best response to violence against women—the response most likely to empower survivors and hold offenders accountable is a response driven and defined by the community itself.” Yet from a systemic vantage point, institutional racism—racial profiling, police brutality, mass incarceration and poverty among others--a dynamic exists within communities that persistently makes it difficult, if not dangerous, to address issues like intra-community

¹⁷ “African American Women Disproportionately At Risk For Death by Domestic Violence,” HG Legal Resources, <http://www.hg.org/article.asp?id=31238>

¹⁸ <http://www.hrc.org/blog/entry/senate-approves-lgbt-inclusive-violence-against-women-act-reauthorization>

rape and other violence in communities of color. Because of the effects of racism, issues directly related to a lack of human rights, such as hate crimes based on sexual orientation or identity, the feminization of poverty, infant mortality and reproductive justice, are currently not considered within a racial justice framework.

5. Furthermore, the steps to address issues within communities of color, and those faced by women in particular, continue to point to solutions that are more reactive. These remedial steps are not discussed within a historical context that acknowledges the intense networks and relations that have influenced and continue to enable violence to occur in these communities. These remedies become ineffective when factors like history and the present cultural manipulation that create and sustain environments where rape and other forms of violations are permissible, are not reconciled. The admission that oppressive conditions exist, coupled with a neglect of identification of the source or factors that contribute to those specific conditions, is present throughout the report. We need to look at how a society dominated by a racial hierarchy, has historically allowed specific images and damaging ideas about masculine identity and expectations, as well as stereotypes and damaging ideas about Black/African American women, to be propagated, normalized and imprinted on the minds of generations past and present.

6. The injustice that women and LGBTQ people of color experience is not just at the hands of individual intimate partners, brothers, classmates or other members of their own communities. It also stems from racist systems and from the racism they experience in subsequent efforts to seek protection or remedy. Eliminating racism and other intersecting “isms” in law enforcement and the judicial system is also critical to protecting the human rights of women and LGBTQ people of color. It means adequately resourcing our college campuses and public schools so that they can develop tools for public education about consent, that not just counter but ultimately empower a new generation to eliminate rape culture in the media and elsewhere. It means making it explicit that the U.S. has a commitment to addressing violence and all the interlocking and cyclical factors that increase the risk for victimization and the risk for causing harm. It means providing resources that help us, as a community to create environments that facilitate inclusion and that create cultures in communities which consider any violation against one of its members, whether at the hands of the state or by another community member, a violation against the whole community.

7. Yes in its [Periodic Report](#) to the CERD Committee, the United States does explicitly mention gender, sexual violence, and sexuality, and names Black women and women of color in ways it has not done before. We consider this report a possible springboard for meaningful action by women and LGBTQ people of color to continue to make their own voices equally central to all debates on race and place their gendered experiences squarely within the context of all the racial justice concerns of Black communities—bar none. Rape and sexual assault in Black communities *are* racial justice issues.

SECTION IV. Recommended Questions

1. How will issues impeding the healthy development of women and girls of color be highlighted and addressed on a scale comparable to plans made under the My Brother’s Keeper initiative?
2. What will be done to improve the drastically under-reported cases of rape in U.S. communities of color?

3. What will the U.S. do to reduce incidences of intimate partner violence and other instances of lethal domestic violence in communities of color and/or LGBTQ communities?
4. How will the U.S. address the increasing criminalization of women and LGBTQ people of color?

SECTION V. Suggested Recommendations

1. Given the recent federal racial justice initiative *My Brother's Keeper (MBK)* which excludes remedies that would address racial discrimination in the lives of women and girls of color, and *The Violence Against Women Act (VAWA)* from which communities of color, (but communities of African descendants in particular) continue to receive a disproportionately lower-share of resources that would enable the law to have more impact where it is most needed, we recommend the United States do the following:

- A. Revamp MBK as a “My Brother’s and Sister’s Keeper Initiative,” and follow the recommendations in the African American Policy Forum letter(s)¹⁹.
- B. The U.S. must do what it said in Section 187, of Article 6 of its 2013 Periodic Report to the CERD Committee. “*the best response to violence against women—the response most likely to empower survivors and hold offenders accountable is a response driven and defined by the community itself.*” Make adequate funding to communities of color that will go toward community driven and sustained responses to sexual violence.
- C. The U.S. must overhaul its racially biased criminal justice system, which in the name of making communities safe from violence, disproportionately criminalizes women, men, and youth of color inclusive of all sexualities.
- D. Significantly increase funding for communities of color under VAWA. Additional funding under VAWA should be used for a major initiative to train 911 telephone emergency response operators to reduce under-reporting of rape and other cases of sexual violence.
- E. Remove any threat to the Violence Against Women Act by ensuring it is consistently re-authorized and that it meets its original objectives of addressing the disproportionate rates of violence against women and girls in the U.S.
- F. Address racial discrimination against victims and all people of color by providing specific training for those working within the criminal justice system, including police officers, lawyers, prosecutors and judges, and medical personnel.
- G. Eliminate Mandatory Arrest and Prosecution policies that perpetuate racial discrimination and do not protect victims from harm.
- H. Undertake information campaigns to raise awareness among women belonging to racial, ethnic and national minorities about the human rights mechanisms and procedures provided for in national legislation on racism and discrimination.

¹⁹ [African American Policy Forum](http://aapf.org/2014/06/woc-letter-mbk/), “Why We Can’t Wait: Women of Color Urge Inclusion in My Brother’s Keeper,” <http://aapf.org/2014/06/woc-letter-mbk/>