

ADVANCE UNEDITED VERSION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
110th session
7–31 August 2023

Statement 4 (2023)

United States of America

The Committee on the Elimination of Racial Discrimination,

Acting under its Early Warning and Urgent Action Procedures,

*Deeply concerned by the judgment delivered on June 29, 2023, by the Supreme Court of the United States in the case of *Students For Fair Admissions, Inc. v. President and Fellows of Harvard College*, 143 S. Ct. 2141 (2023), which would effectively end race-conscious admission programs at colleges and universities across the United States of America, thereby terminating affirmative action policies;*

Noting that the above-mentioned judgment overturned decades of precedent, several generations of policy, and lifetimes of effort, aimed at supporting the ongoing struggle against racism in the United States of America by increasing educational opportunity;

*Reminding that racial inequalities in the United States of America are the direct legacy of slavery, the Jim Crow era of state-sanctioned discrimination, and their *de facto* perpetuation in institutions throughout the country;*

Further reminding that affirmative action in admission to colleges, universities and graduate schools in the United States of America has been crucial in advancing an entire generation of students previously excluded from most institutions of higher education, providing them with opportunities for better lives and careers;

Recalling that all State Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, including the United States of America, have an obligation to take when the circumstances so warrant, “special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms” (Article 2 para. 2 of ICERD);

Further recalling its General Recommendation no. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its Concluding Observations of August 2022 on the United States of America (CERD/C/USA/CO/10-12):

1. **Calls upon** the United States of America to fully respect its international obligations arising from the International Convention on the Elimination of All Forms of Racial Discrimination;
2. **Calls upon** the State party and its public authorities at all levels to actively develop and implement targeted measures that would effectively address the adverse impacts of the aforementioned judgment on educational opportunities of African Americans and other underrepresented communities;
3. **Encourages** educational institutions in the United States of America to adopt or continue to implement programs and policies to increase and retain the enrolment of students belonging to African American and other underrepresented communities in order to attenuate the consequences of centuries of race-based exclusions;
4. **Recommends** that the State party and its public authorities at all levels, as well as educational institutions in the country, develop and support comprehensive policies aimed at eradicating racism, racial discrimination, xenophobia and related intolerance.

21 August 2023